

EXHIBIT P

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
IN RE: TERRORIST ATTACKS ON SEPTEMBER 11, 2001

03-MDL-1570 (GBD) (SN)

EXPERT REPORT OF PROFESSOR JOHN T. SIDEL

I. SCOPE OF THIS EXPERT OPINION

1. I have been asked by counsel for the Muslim World League, the International Islamic Relief Organization and Drs. Naseef, Al-Obaid, Al-Turki and Basha to offer an expert opinion on the following issues:
 - (a) The historical and political context within which violent conflict emerged and evolved in the southern Philippines since the 1970s;
 - (b) The role of the Moro Islamic Liberation Front (MILF) in the conflict in the southern Philippines;
 - (c) The role of the *Abu Sayyaf* group in the conflict in the southern Philippines;
 - (d) The historical and political context within which religious violence emerged in Indonesia over the late 1990s and early 2000s and the role of the *Jemaah Islamiyah* in such violence;
 - (e) The nature and significance of the role of Southeast Asia within the global *jiḥād* waged by *Al Qa'ida*.
 2. In addition, I have reviewed the expert reports submitted by Plaintiffs' counsel in this litigation and offer rebuttal opinions on the following issues:
 - (a) Questions of methodology: the use of empirical evidence, the mode of analysis, and the basis of conclusions inferred or implied with regard to individuals, organizations, and events in the Philippines and Indonesia;
 - (b) The Bojinka Plot;
 - (c) The identification of Southeast Asia as "a major center for operations" for *Al Qa'ida*;
 - (d) The evidence regarding alliances between *Al Qa'ida* and the *Abu Sayyaf* group, the Moro Islamic Liberation Front (MILF), and the *Jemaah Islamiyah* (JI) network;
 - (e) The activities, affiliations, and impact of Mohamed Jamal Khalifa in the context of the southern Philippines;
 - (f) The determinations of the Office of Foreign Assets Control (OFAC) with regard to the Moro Islamic Liberation Front (MILF);
- and

- (g) The activities, affiliations, and impact of *Kompak* in the context of violent religious conflict in Indonesia.

II. SUMMARY OF EXPERT OPINION

Affirmative Opinions

3. The drivers and dynamics of violent mobilization and conflict in the name of Islam in both the southern Philippines and Indonesia over the past several decades have been local in origin, representing responses to shifting political opportunities and constraints in these specific Southeast Asian contexts rather than to the imperatives and exigencies of some kind of broader struggle for ‘global *jihad*’ orchestrated from afar.
4. The actual activities engaged in by the Moro Islamic Liberation Front (MILF), the *Abu Sayyaf*, and the *Jemaah Islamiyah* network over the years of initial contact, communications, and cooperation over the 1990s did not correspond to any grand plan for global *jihad* and were not in any way focused on the United States or ‘the West’.
5. Insofar as organizations like the MILF, the *Abu Sayyaf* group, and the *Jemaah Islamiyah* network have intersected with the multi-stranded circuitries of transnational Islamic outreach and Islamist activism, and with the clandestine activities of *Al Qa’ida*, they have done so episodically, opportunistically, and as a function of – and compensation for – the weakness of their positions on the local/national level.
6. The MILF was focused on local and subnational aims, objectives, and antagonists, rather than on the ambitiously ‘global’ *jihad* focused on the United States launched by *Al Qa’ida* in the late 1990s leading up to and beyond 9/11. Throughout these years, the MILF remained focus on the challenge of asserting its claims to represent the Moro people of the southern Philippines in general, and the communities in its stronghold area of central Mindanao in particular, as against those of the MNLF and other claimants to local political authority. Over the course of these years, the MILF engaged in very little in the way of actual armed guerrilla warfare against the Philippine government, and in practice it engaged in extensive forms of electoral participation, informal alliance-building, and effective live-and-let-live arrangements with local and national representatives of the Philippine government.
7. The *Abu Sayyaf* group’s operations throughout the mid-late 1990s remained essentially criminal, focused on kidnapping for ransom, extortion, and other predatory activities rather than anything credibly *jihadi* in objectives or orientation.
8. The *Jemaah Islamiyah* network remained largely inactive in exile in Malaysia and elsewhere and maintained only an underground existence in Indonesia until 1999, when the revival of the dreams of an Islamic state from the era of the *Darul Islam* movement could be openly floated – however unsuccessfully – in the newly liberalized public sphere. This network was focused on defending Muslim communities and promoting Islamist aspirations in Indonesia as against domestic Christian and anti-Islamist opponents well into 2001. Its belated turn to global *jihad* came as a rear-guard action in the face of the dramatic shrinkage of its room for domestic manoeuvre.

9. Overall, in descriptive terms there is some evidence of loose alignment of interests, expressions of solidarity and support, and forms of communication and collaboration between this diverse set of Islamist groups in the southern Philippines and Indonesia on the one hand, and the equally diverse forms of Islamic outreach and Islamist – and *jihadi* – activism operating across the Muslim world over the 1980s and 1990s on the other. But in terms of an explanation for the forms of violent mobilization in the name of Islam observable in different parts of Southeast Asia during these decades and into the twenty-first century, it is clear that the drivers and dynamics determining the timing, form, strength, and consequences of such mobilization are locally rooted in conditions, developments, and trends in the southern Philippines and Indonesia.

Rebuttal Opinions

10. The coverage of the Philippines and Indonesia in the expert reports submitted by the plaintiffs' counsel suffers from methodological flaws. It lacks contextualization in terms of political circumstances and political conflicts and struggles in these Southeast Asian countries, as if the individuals and organizations concerned were operating without any local/national aims or objectives, or any local/national constraints or considerations other than those ascribed to *Al Qa'ida* and its alleged agents and interlocutors. The effect produced is of a purely conspiratorial narrative where the complex political contexts of the southern Philippines and Indonesia in the 1990s and the early 2000s are obscured from view, as are all manner of actions, affiliations, and motivations embedded within these contexts and unrelated to – indeed, often at odds with – the presumed master plan for 'global *jihad*' developed by *Al Qa'ida*.
11. The sources cited in the expert reports with regard to Southeast Asia are mostly U.S. government documents or press reports – or the writings of 'terrorism expert' Zachary Abuza, and alternative sources of information (including those in local languages) are effectively excluded and obscured. These sources are cited selectively, unquestioningly, and uncritically without additional verification or any kind of discussion of their own empirical bases or their reliability for purposes of description or analysis. The expert reports neither acknowledge nor incorporate the extensive body of scholarly literature on Islam, politics, and violent conflict in the southern Philippines and Indonesia written by specialists with in-depth knowledge of local political conditions, historical and sociological contexts, languages, and empirical sources.
12. The sweeping and at time sensationalist accounts of events unfolding in the Philippines and Indonesia in the expert reports include wild exaggerations and extrapolations which do not withstand serious scrutiny, especially in light of the accompanying tendency towards anachronistic conflation of different periods into blanket generalizations.
13. The expert reports suggest – through exaggeration, extrapolation, and insinuation – a set of implications with regard to the Bojinka Plot which are essentially unwarranted. If the 1994-95 Bojinka Plot was a 'direct precursor' of the 9/11 attacks, the passing of more than six years between the two terrorist operations remains to be explained, as does the absence of any similar plots in the Philippines or elsewhere in Southeast Asia during the intervening period. Thus overall, a close, careful, and properly contextualized analysis of the Bojinka Plot is suggestive of a failed experiment with anti-Western and anti-American terrorism by adventurous independent operators who

exploited lax security conditions in Manila and who provided ideas which helped to inspire the 9/11 attacks six years later.

14. From a comparative regional and historical perspective, it is difficult to see how Southeast Asia could be plausibly described as a “major center for operations” for *Al Qa’ida*. After all, if we stitch together the Southeast Asian bits and pieces of the narrative constructed in these expert reports, there is little in the way of coherent or compelling evidence of sustained activity or interest on the part of individuals identified, however loosely, with *Al Qa’ida*, or of sustained alliances or alignments of interest with local organizations in the region. Overall, looking back over the decade preceding the 11 September 2001 terrorist attacks, it is difficult to discern any evidence for the supposed centrality of Southeast Asia for the operations of *Al Qa’ida*. For most of this decade, the various groups caricatured in the expert reports submitted by the plaintiff’s counsel as somehow allied or affiliated with *Al Qa’ida* remained very restricted in their activities and focused on local struggles rather than anything resembling a global *jihād*.
15. The expert reports exaggerate the significance of the seemingly multifarious affiliations, reported activities, and alleged impact of Mohamed Jamal Khalifa in the context of the southern Philippines. Mohamed Jamal Khalifa’s period of work for the IIRO in the Philippines came to an end in late 1993 without any discernible achievements in terms of his presumed goals of advancing some kind of global *jihād* focused on the United States. As for Khalifa’s reported involvement in the Bojinka Plot of 1994-95, he was no longer employed by the IIRO by this time.
16. The decision by the U.S. government to exclude the MILF from the OFAC sanctions list reflects an implicit acknowledgement and accurate understanding of the MILF as an organization whose established history, identity, and orientation gave reason for optimism as to the likelihood of peaceful collaboration rather than pessimism with regard to any enduring commitment to terrorism.
17. Matthew Levitt’s report claims that Dwikarna “was also the regional branch officer for the IIRO,” however, there does not appear to be any solid evidence for the claim of an IIRO link to KOMPAK, Dwikarna, *Jemaah Islamiyah*, and *Al Qa’ida*, either in Matthew Levitt’s expert report or in the sources cited.

III. QUALIFICATIONS

18. I am an acknowledged expert on the Philippines and Indonesia, with special expertise on the role of Islam in the politics and societies of these two countries, particularly in contexts of violent conflict. My expertise on the Philippines dates back to the mid-1980s, when I spent a series of summers living and working in the country. Then from 1988 and into the mid-1990s, I was enrolled in the PhD program in Government at Cornell University, where I was affiliated with the Southeast Asia Program, then widely considered to be the leading center for the study of Southeast Asia in the world. In this context, I conducted research in the Philippines for several years in the late 1980s and early 1990s for my PhD dissertation, which was completed and defended in 1994 and awarded in 1995. I commenced work as a Lecturer in South East Asian Politics at the School of Oriental and African Studies (SOAS), University of London, in September

1994, and was subsequently promoted to the post of Reader in South East Asian Politics in 2001, before being awarded the Sir Patrick Gillam Chair in International and Comparative Politics at the London School of Economics and Political Science (LSE) in 2004, a post which I have held since that time.

19. My research experience is of relevance to the analysis of the role of Islam in conflict, violence, and displacement in majority-Muslim provinces of the southern Philippines, in particular central Mindanao and the Sulu Archipelago. My research in the late 1980s and early-mid 1990s focused on local politics, and on corruption, criminality, conflict, and violence in the Philippines. The findings of this research bore fruit in a successfully completed PhD thesis from the world's leading program for the study of Southeast Asia, a book, *Capital, Coercion, and Crime: Bossism in the Philippines*, published by Stanford University Press in 1999, a co-authored book (with Eva-Lotta E. Hedman) titled *Philippine Politics and Society in the Twentieth Century: Colonial Legacies, Postcolonial Trajectories*, published by Routledge in 2000, and a number of other scholarly journal articles and book chapters, and other publications as well.
20. My research in the Philippines during this period involved many months – all told, two to three years – of fieldwork in the country, travelling widely, gathering documentary materials and conducting interviews in English, Tagalog, and Cebuano, two major languages of the country in which I achieved competence during this time. As part of this fieldwork, I travelled extensively in Mindanao, not only to the Cotabato and Davao provinces, but also to Zamboanga City and to the island of Basilan, which I visited on several occasions in the early 1990s.
21. Since 2012, moreover, I have resumed this pattern of intensive empirical research on politics in the Philippines, in connection with a new role as strategic advisor and 'action researcher' for The Asia Foundation office and the Australian Embassy in Manila. Since that time, I have made fifteen visits to the Philippines, including a recent visit in September 2019. These trips have been focused on various reform initiatives supported by The Asia Foundation in the Philippines in the realms of disaster risk reduction, elections, economic policy, education, health, land governance, security sector reform, subnational governance, and conflict reduction in the southern Philippines. This research has generated a new wave of publications on Philippine politics, with a co-authored book, *Thinking and Working Politically in Development: Coalitions for Change in the Philippines*, which was published by The Asia Foundation earlier this year.
22. In connection with this research, I have made repeated visits to areas of the southern Philippines since 2012, including many within what is now known as the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM). This research has included repeated visits to the key urban centers of BARMM, namely Cotabato City, Zamboanga City, and even Jolo, the capital of the Province of Sulu. The research undertaken in connection with these visits included extensive readings of diverse written materials on the violent conflict in the southern Philippines as well as interviews with a wide range of individuals involved in the conflict, including senior members of the Moro Islamic Liberation Front (MILF), former members of the Moro National Liberation Front (MNLF), and civilian, military, and police officials affiliated with the Philippine government.

23. Alongside this accumulated expertise on the Philippines (and the majority-Muslim provinces of the southern Philippines in particular), I have also considerable expertise with regard to Indonesia, with a special focus on the role of Islam in the politics and society of the country. My expertise on Indonesia dates back to the mid-late 1980s, when I studied the Indonesian language (*Bahasa Indonesia*) for three years and took specialist courses on Indonesian culture and society at Yale University, and travelled frequently to Indonesia while pursuing an undergraduate degree and a Master's degree in Political Science at Yale University and then my PhD in Government at Cornell University.
24. Following the completion and submission of my PhD dissertation in the mid-1990s, I turned the primary focus of my empirical research from the Philippines to Indonesia, with a special focus on the question of religious violence, a topic of increasing interest in the context of recurring religious riots in towns and cities across the country during this period. I lived in Surabaya, the capital of East Java, for nine months in 1997-1998 and then returned to Indonesia for shorter research stints on many occasions over the subsequent decade, while maintaining a close watch on developments and trends in Indonesian politics and society through the Indonesian press and diverse academic and other sources of information and analysis. My research on Indonesia during this period focused on the role of religion in Indonesian society and politics, as seen in my book *Riots, Pogroms, Jihad: Religious Violence in Indonesia* (Cornell University Press, 2006) and *The Islamist Threat in Southeast Asia: A Reassessment* (East-West Center, 2007), a short monograph which covered Indonesia alongside the southern Philippines and southern Thailand. Since that time, I have been working on a major book-length study which spans the breadth of Southeast Asia and includes Indonesia, the Philippines, and the role of Islam in the history and politics of the region: *Republicanism, Communism, Islam: Cosmopolitan Origins of Revolution in Southeast Asia*, which is due to be published by Cornell University Press in 2021.
25. Over the past three decades, my expertise on the Philippines and Indonesia has been widely recognized in a variety of ways. On the one hand, my published scholarship continues to be widely cited by other academic authors and to be assigned to students on undergraduate and graduate courses on Southeast Asia in universities in countries across the world. I have been appointed to the editorial boards of major journals focusing on Southeast Asia – *Asian Survey*, *Critical Asian Studies*, *Pacific Affairs*, *South East Asia Research* – and invited to review journal article submissions and book manuscripts – and to supervise or examine PhD dissertations – focused on Indonesia, the Philippines, and other countries in the region. I am regularly invited to attend workshops and conferences, and to give guest lectures and keynote speeches, in connection with my academic writings and research on Indonesia and the Philippines.
26. On the other hand, my expert knowledge of the Philippines and Indonesia has also given rise to regular requests for assistance by a wide range of institutions beyond the world of academia. I have written a series of expert reports on Indonesia for the United Nations High Commission for Refugees (UNHCR) and for the Ford Foundation, and on the Philippines for the Crown Prosecution Service here in the United Kingdom in connection with two terrorism cases (*Regina v. Frederick Ludlow* and the case of Ryan Counsell). In those two terrorism cases I also provided expert testimony. I have written

a number of expert reports in connection with asylum cases here in the UK and in the United States, focusing on political and social conditions in the Philippines and Indonesia. I have provided expert briefings to UK and other diplomatic, intelligence, and military officials as well as expert assistance and commentary to journalists. Since 2012, my work in the Philippines has involved regular meetings and briefings with senior officials of The Asia Foundation and the Australian Department of Foreign Affairs and Trade.

27. More importantly, perhaps, these past three decades of sustained empirical research, immersion in scholarship, and teaching and supervision of post-graduate students have provided me with a strong basis of expert knowledge and understanding of the politics and societies of the Philippines and Indonesia, especially in terms of the intersection of Islam, politics, and violent conflict in the two countries. Alongside direct experience and understanding through my own research and analysis, I am fully immersed in the accumulated – and growing – body of academic and non-academic research and writing on conditions and developments in the Philippines and Indonesia. My own expertise is thus representative of a broader body of expert knowledge and understanding, and my analysis below reflects a fairly wide and deep consensus among established academic experts on the Philippines and Indonesia on the major issues at stake here.
28. A complete list of my publications can be found in my CV, which is attached as Exhibit A to this report, along with a complete list of documents considered in the preparation of this report attached as Exhibit B. I have been compensated for my work in this matter at a rate of £500 per hour.

IV. METHODOLOGY

29. Alongside and beyond my special expertise on the Philippines and Indonesia, this report is also informed by my methodological approach to the study of the intersection between Islam, politics, and violent conflict, which is very different from that of ‘terrorism experts’ working outside academic contexts. This approach is grounded both in ‘area studies’ and social-science methodology in at least three ways.
30. First of all, my research and analysis has been based on a broad and varied set of empirical sources ranging from interviews to government documents, NGO and media reports, and secondary scholarly literature which itself draws on a diverse range of sources. Here my extended history of fieldwork and research – and network of fellow scholars and other experts – has given me extensive local access as well as an accumulated body of materials dating back many years. In gathering and evaluating information and crafting my analysis, moreover, I have made efforts to maintain a critical distance on individual sources, given their inherent biases, distortions, and limitations, and to ‘triangulate’ sources rather than rely on individual sources without questioning or seeking confirmation of their validity.
31. Secondly, instead of focusing on a narrow set of actors engaged in various forms of violence in the name of Islam, my research and analysis has emphasized the importance of contextualization. Here I have been concerned to situate those actors engaged in violence in the name of Islam within the discrete political and sociological contexts in which they are embedded, both in terms of the contested field of religious authority (i.e.

who speaks in the name of the faith) and in terms of conditions and trends in the field of politics and power relations (i.e. how Muslims – and Islam – are represented in terms of state power and policy-making).

32. Here I have also been concerned to unpack assumptions with regard to the organization of violence in the name of Islam, to understand how various forms of violent mobilization and conflict have actually operated and unfolded. This kind of contextualization has allowed for a more descriptively plausible and rich understanding of the conditions under which various forms of violent conflict involving Islam have emerged and evolved in the southern Philippines and Indonesia over the past few decades, as well as the lived experiences and self-understandings of those actors involved in such violent conflicts.
33. Thirdly and finally, my research and analysis has been grounded in an old-fashioned qualitative version of the comparative method. Instead of simply tracing the actions of actors and organizations as and when they engage in one or another form of violent mobilization and conflict, I look for patterns of variance and change and pose questions about them. Why do some Muslims (and organizations claiming to represent Muslims) engage in violent mobilization and conflict in some forms (but not others), at some historical conjunctures and during some time periods (but not others), in some places (but not others), and with some trajectories and consequences (but not others)? This disaggregation and comparative analysis of violent mobilization and conflict thus allows not only for much greater specificity with regard to the descriptive patterns observed, but also for application of a falsifiability test for competing explanations for such patterns.
34. It is thus on the basis of an accumulated record of expert knowledge and understanding of the Philippines and Indonesia and an established method of research and analysis that I am providing this expert report.

V. AFFIRMATIVE EXPERT OPINION

A. The Historical And Political Context Within Which Violent Conflict Emerged And Evolved In The Southern Philippines Since The 1970s

35. The enabling conditions and causes of violent conflict in the majority-Muslim provinces of the southern Philippines since the 1970s are complex and require careful analysis. But it is clear that a set of political developments enabled and impelled armed mobilization in support of a secessionist struggle for an independent new nation-state for the Muslim population of central Mindanao and the Sulu Archipelago. It is equally clear that this struggle was not stimulated by any specifically religious trends in terms of intensification of Islamic faith or an upsurge of Islamic activism among Muslim Filipinos.
36. In the first instance, the background is a preceding history of religiously differentiated state formation dating back to the colonial era, which helped to prefigure belated armed secessionist mobilization in support of an independent Muslim homeland. The Islamicization of the Philippine archipelago was well under way at the time of the Spanish conquest in the mid-16th century, with subsequent colonization and Christian evangelization encompassing much of the lowland areas of the islands of Luzon, the

Visayas, and the northern shelf of Mindanao, but the Muslim sultanates of central Mindanao and the Sulu Archipelago remaining independent until the end of the 19th century. Thus a religious divide was created between the Hispanicized, Christianized – and predominantly Catholic – core lowland areas of the Philippine archipelago and the uncolonized Muslim – in Spanish terms ‘Moro’ – southern periphery.¹

37. But the subsequent transfer of the Philippine Islands to American colonial control at the turn of the 20th century, the shift to Commonwealth status by 1935, and the transition to an independent Republic of the Philippines in 1946 enabled economic and political incorporation – and in due course national integration – of the majority-Muslim provinces of central Mindanao and the Sulu Archipelago up through the 1950s and into the 1960s. American-style separation of church and state was built into the new colonial dispensation and into the Philippine Constitution of 1935. Muslim municipalities, congressional districts, and provinces elected mayors, congressmen, and governors affiliated with the Nacionalista and (after 1946) Liberal parties alongside their Catholic counterparts in a highly decentralized democratic system in which patron-client relations and highly particularistic and parochial concerns prevailed rather than any form of political organization or mobilization based on religious identities. Religion did not provide the basis for political cleavages during this period.²
38. It was only over the course of the 1960s and early 1970s that this ongoing process of national incorporation of the southern Philippines was disrupted by the onset of violent conflict. By the early-mid 1960s, spontaneous migration and state-sponsored settlement schemes had combined to create a sizeable Christian population in and around established areas of Muslim settlement in the central Mindanao provinces of Lanao and Cotabato. This new demographic trend produced a diverse set of tensions and conflicts, over land and other fixtures in the local economy, over illegal activities, and over political offices, and some of these tensions and conflicts spilled over into violence across the religious divide. By the latter half of the 1960s, inter-religious tensions between Christians and Muslims in Lanao and Cotabato had escalated into periodic episodes of communal violence.³
39. Meanwhile, with the election of Ferdinand Marcos to the presidency in 1965 and his unprecedented re-election in 1969, the previously prevailing pattern of regular

¹ See, for example, Reynaldo C. Ileto, *Magindanao: 1860-1888: The Career of Datu Uto of Buayan* (Ithaca, NY: Cornell University Southeast Asia Program Data Paper No. 82, 1971); James Francis Warren, *The Sulu Zone 1768-1898: The Dynamics of External Trade, Slavery, and Ethnicity in the Transformation of a Southeast Asian Maritime State* (Quezon City: New Day Publishers, 1985); William Henry Scott, *Slavery in the Philippines* (Manila: De La Salle University Press, 1991).

² See, for example, Wilfredo F. Arce, *Before the Secessionist Storm: Muslim-Christian Politics in Jolo, Sulu, Philippines 1961-62* (Singapore: Maruzen Asia, 1983); and Jeremy Beckett, “Political Families and Family Politics among the Muslim Maguindanaoan of Cotabato,” in Alfred W. McCoy (ed.), *An Anarchy of Families: State and Family in the Philippines* (Madison: University of Wisconsin Center for Southeast Asian Studies, 1993), pp. 285-309.

³ Thomas McKenna, “The Sources of Muslim Separatism in Cotabato,” *Pilipinas*, 21 (Fall 1993), pp. 5-28.

competition and turnover between the Nacionalistas and Liberals – and between rival local politicians affiliated with the two parties – came under threat, creating diverse new forms of political mobilization both nationally and at the local level. As Marcos consolidated and centralized power over these years, politicians affiliated with the opposition Liberal Party began to experiment with new alliances and engagements with student radicals and other discontented elements in Philippine society in the late 1960s. In Central Luzon, just north of the national capital region, for example, a newly inaugurated Communist Party of the Philippines (CPP) formed a New People’s Army (NPA) and initiated armed guerrilla operations with the surreptitious support of Liberal Party politicians at odds with President Marcos.

40. Likewise in the southern Philippines, a Muslim Independence Movement (MIM) was formed by disaffected local politicians from central Mindanao, who received encouragement from the Malaysian government as leverage in its territorial dispute with Marcos over the Malaysian state of Sabah on the island of Borneo. Dozens of MIM recruits received military training on the island of Pangkor off the western coast of the Malaysian state of Perak with the assistance of the Malaysian government, even as MIM leaders tried to attract diplomatic support for their cause from the Organization of the Islamic Conference (OIC).
41. Against this backdrop, Marcos’s proclamation of martial law, suspension of Congress, and centralization of control over the Armed Forces of the Philippines (AFP) and the Integrated National Police (INP) led to a dramatic escalation of this embryonic conflict in late 1972. As the leaders of the MIM faced arrest and incarceration at the hands of the government’s security forces, the movement’s recruits regrouped under the leadership of Nur Misuari, a former student activist and lecturer at the University of the Philippines who hailed from the province of Sulu and had joined the MIM and participated in the initial military training on Pangkor island. With Misuari as its leader, a Moro National Liberation Front (MNLF) emerged to undertake armed guerrilla struggle against Marcos and the Philippine government, with the explicit aim of self-determination and nationhood for the Muslim (or ‘Moro’) population of Mindanao and the Sulu Archipelago.
42. Between late 1972 and 1976, a large-scale armed conflict between the MNLF and Philippine government troops unfolded across majority-Muslim areas of central Mindanao and the Sulu Archipelago, leaving tens of thousands of casualties and hundreds of thousands of residents forcibly displaced from their homes.⁴ In 1976, negotiations brokered by the Libyan leader Muammar Qadhafi led to the signing of a peace deal known as the Tripoli Agreement, under which the Marcos government promised to create a special autonomous region across the southern Philippines in

⁴ For good overviews of the developments and trends leading from the late 1960s through 1976, see, for example, T.J.S. George, *Revolt in Mindanao: The Rise of Islam in Philippine Politics* (Kuala Lumpur: Oxford University Press, 1980); and Lela G. Noble, “The Moro National Liberation Front in the Philippines,” *Pacific Affairs*, Volume 49, Number 3 (1976), pp. 405-424.

exchange for a cessation of hostilities.⁵ Subsequent years saw the subsiding of the armed conflict into an uneasy peace and a set of live-and-let-live arrangements across the majority-Muslim provinces of central Mindanao and the Sulu Archipelago. While the provisions of the formal agreement for special autonomy remained largely unimplemented, some local MNLF commanders were coopted into local government positions, and informal understandings for effective coexistence and cooperation emerged between the MNLF and AFP and endured for the remaining years of the Marcos era, which lasted until early 1986.⁶

43. Following the fall of the Marcos regime in 1986 and the return to democracy in the country, renewed efforts were made to secure a more lasting settlement of the conflict in the southern Philippines. The new 1987 Constitution included general provisions for an autonomous region in Muslim Mindanao, and a law passed in 1989 formally established the Autonomous Region of Muslim Mindanao (ARMM), constituted by the four provinces of Lanao del Sur, Maguindanao, Sulu, and Tawi-Tawi, whose residents voted for inclusion in a plebiscite later that year.
44. Protracted negotiations between the Philippine government and the MNLF during this period eventually led to a formal agreement for the cessation of hostilities, with the MNLF recognized as a legitimate organization rather than a subversive or terrorist group. A preliminary accord mediated by the OIC and signed in Jeddah, Saudi Arabia committed both sides to further discussions and negotiations on the provision of autonomy for Muslim areas of the southern Philippines. The subsequent establishment of the ARMM led to dissatisfaction on the part of the MNLF, given that it reduced the number of provinces covered in the autonomous region, from the thirteen covered in the 1976 Tripoli Agreement to the four which voted for inclusion in the ARMM in the 1989 plebiscite. This led to an acrimonious breakdown in negotiations between the two parties.
45. Following the election of a new president in 1992, negotiations between the Philippine government and the MNLF resumed, leading to a formal cessation of hostilities in 1993. Finally, in 1996 an agreement was signed in Jakarta, enabling the demobilization and disarmament of MNLF troops – and their incorporation into the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP). MNLF Chairman Nur Misuari was allowed to run unopposed for the position of Regional Governor of ARMM, allowing for the MNLF to assume effective control over the regional government, as well as the newly formed Southern Philippines Council for Peace and Development (SPCPD), with Misuari as its Chairman.
46. By early 2001, dissatisfaction with Misuari's tenure as ARMM Regional Governor within the MNLF and in Manila led to his forced removal from the MNLF leadership

⁵ On the Tripoli Agreement, see: Patricio P. Diaz, *To Tripoli and Back: A Discussion of Issues Involved in the Demand of Autonomy by the Moro National Liberation Front under the Tripoli Agreement of 1976* (Cotabato City: 1976).

⁶ See, for example, Eric Gutierrez, "In the Battlefields of the Warlord," in Kristina Gaerlan and Mara Stankovich (eds.), *Rebels, Warlords and Ulama: A Reader on Muslim Separatism and the War in the Southern Philippines* (Quezon City: Institute for Popular Democracy, 2000), pp. 39-84, especially pp. 55-58.

and from his position as SPCPD Chairman, with corruption charges initiated against him.⁷ In November 2001, Misuari declared war against the Philippine government, leading a short-lived and small-scale rebellion that quickly petered out, forcing him to flee to Malaysia, where he was soon arrested, incarcerated, and in due course extradited back to the Philippines to face trial. Subsequent years saw Misuari remaining under various forms of detention or house arrest, with the legal charges dropped and a quiet return to his home province of Sulu eventually allowed by 2009.

47. Overall, the period from the late 1960s through the early 2000s was thus one which witnessed the rise and fall of the Moro National Liberation Front as an armed separatist insurgency fighting for an independent Moro – i.e. Muslim Filipino – homeland, settling for autonomy in the southern Philippines, oscillating between conflict and co-optation by the Philippine government, and degenerating into internal fractiousness and fragmentation, a picture familiar from many other secessionist or national liberation struggles elsewhere across the world during the same period.
48. From the outset, it is worth noting, the violent conflict in the southern Philippines did not involve Islam per se in terms of the ideological and organizational bases for mobilization in support of an independent Moro – i.e. Muslim – homeland. The onset of violent conflict in the late 1960s and early 1970s did not unfold amidst any noticeable movement towards greater Islamic piety or strengthened religious identity among the Moros of the southern Philippines. The leadership of the MNLF was notably secular nationalist in its idiom and orientation, as were those of its external sources of support – the Malaysian and Libyan governments. On the ground, the MNLF's infrastructure was rooted in local political, familial, and business networks at odds with the Marcos government and its local allies in the southern Philippines, rather than in networks of religious schools and scholars. In considerable measure, the conflict in the southern Philippines has concerned Muslims but not Islam per se.

B. The Role Of The Moro Islamic Liberation Front (MILF) In The Conflict In The Southern Philippines

49. The legacies of the 1970s endured over subsequent decades, enabling periodic resurgences of violent conflict in the southern Philippines. Meanwhile, over the course of the 1980s and 1990s, Islam emerged as an important discursive and organizational rubric for new forms of violent mobilization in the southern Philippines in the context of the degeneration of the MNLF during this period as described above. The MIM and then the MNLF, it is worth noting, had included small numbers of Islamic scholars, students, and graduates of the limited network of Islamic schools across the southern Philippines, as well as some activists whose pilgrimages and peregrinations had drawn them into the transnational circuitries of Islamic educational institutions and Islamist political activism centered in the Middle East and South Asia. Most notable in this regard was Hashim Salamat, who left his native Maguindanao Province in central Mindanao in 1959 to study at the world-famous Islamic university of Al Azhar in Cairo

⁷ For a concise and prescient overview, see: Jacques Bertrand, "Peace and Conflict in the Southern Philippines: Why the 1996 Agreement is Fragile," *Pacific Affairs*, Volume 73, Number 1 (Spring 2000), pp. 37-54.

and was recruited into the MIM and then the MNLF when he returned home after his studies a decade later.

50. With the signing of the Tripoli Agreement of 1976 came considerable dissatisfaction and dissension in the ranks of the MNLF, and Hashim Salamat was among those who broke ranks with Misuari, leading to a fracturing of the movement over the last 1970s and early 1980s along ideological, factional, regional, and ethno-linguistic lines. By 1984, Salamat had announced the formation of a separate Moro Islamic Liberation Front (MILF), with a stronghold in the Maguindanao- and Maranao-speaking provinces of Maguindanao and Lanao del Sur in central Mindanao, even as the MNLF retained its base in Taosug- and Samal-speaking areas of the Sulu Archipelago, most importantly Misuari's home province of Sulu.⁸
51. As the MILF emerged during this period, its self-definition as a specifically *Islamic* alternative to the MNLF was undertaken and enhanced through transnational linkages across the Muslim world. In 1980, amidst a wave of defections to the government by leading MNLF commanders in central Mindanao, Hashim Salamat decamped to Lahore, Pakistan, where he appears to have maintained a base well into the mid-1980s. This period in Pakistan exposed Salamat to a range of transnational and international Islamic organizations and drew him into networks linked to the so-called *mujahidin* fighting the Soviet occupation in neighboring Afghanistan.
52. Thanks to classmates and contacts from his days at Al-Azhar in the 1960s, Salamat reportedly worked with *mujahidin* leaders like Abdul Rasul Sayyaf and Abdallah Azzam to incorporate small numbers of Muslim Filipinos among the ranks of those fighting in the *jiḥād* in Afghanistan.⁹ It was during this period that he produced a written tract titled *Bangsamoro Mujahid: His Objectives and Responsibilities*, which clearly aligned the MILF's struggle in the southern Philippines with a broader set of defensive struggles such as the *jiḥād* in Afghanistan, which continued to enjoy support from a wide range of governments and organizations across the Muslim world, as well as from the United States government, throughout the 1980s.¹⁰
53. This effort to legitimize the MILF as an authentic representative of Muslim Filipino aspirations won at least some recognition and reward, as seen in the efforts of the OIC and the Muslim World League to unite the MNLF and the MILF in advance of the meetings with Philippine government representatives which led to the Jeddah Accord of 1987. Peaceful rallies by the MILF and its supporters in the central Mindanao regional metropole of Cotabato City likewise called for recognition of the MILF during

⁸ On Hashim Salamat and the emergence of the MILF, see: Thomas M. McKenna, *Muslim Rulers and Rebels: Everyday Politics and Armed Separatism in the Southern Philippines* (Berkeley: University of California Press, 1998), pp. 143-144, 207-216.

⁹ For details based on interviews with MILF insiders, see: *Southern Philippines Background: Terrorism and the Peace Process* (Singapore/Brussels: International Crisis Group, 13 July 2004), pp. 3-5. Documentary evidence in support of this account has yet to be published.

¹⁰ Datu Michael O. Mastura, *Bangsamoro Quest: The Birth of the Moro Islamic Liberation Front* (Penang: Southeast Asian Conflict Studies Network/Research and Education for Peace, Universiti Sains Malaysia, 2012), p. 12.

this period. But Misuari and the MNLF insisted on claiming sole right to negotiate on behalf of the Moro people, leading to the exclusion of the MILF from the talks and the eventual accord.

54. Throughout the 1990s, the MILF continued to compete with the MNLF for domestic and international recognition. Following the 1989 plebiscite and the formation of the ARMM, the MNLF disavowed the Jeddah Accord and distanced itself from the Philippine government, opening the door to new channels of communication between Manila and the MILF. In 1990, Zacaria Candao, a local politician closely aligned with the MILF, won election to the position of Regional Governor of ARMM with strong backing from the national government. Candao had worked with the MILF and local Islamic scholars (*'ulama*) to form the Islamic Party of the Philippines (IPP) and to field candidates in congressional and local elections in 1987 and 1988, with Candao winning the post of Governor of Maguindanao Province on the IPP ticket with support from both the MILF and the recently inaugurated national government in Manila. Thus from the late 1980s through the early 1990s, an informal set of accommodations and understandings – if not a formal alliance – between the MILF and the Philippine government prevailed, with only occasional episodes of violence.¹¹
55. With the election and inauguration of a new president of the Philippines in mid-1992, however, a marked shift unfolded, leading to a new dispensation for the MILF over the remainder of the decade. Quiet communications dating back at least to the 1992 election campaign eventually bore fruit in a formal 1993 ceasefire agreement between the MNLF and the Philippine government and in due course the 1996 Jakarta accord and the election and entrenchment of Nur Misuari as ARMM Regional Governor with the support of the national government in Manila. Once its ally Candao lost his seat as ARMM Regional Governor in 1992, the MILF found itself relegated to a very diminished status relative to the MNLF. Even in the midst of the MILF heartland of central Mindanao, the MNLF's capture of the ARMM government – with its capital in the central Mindanao metropole of Cotabato City – placed it in a position of local preeminence and power in terms of recognition, reward, and reinforcement by the national government.¹²
56. Against this backdrop, over the remainder of the 1990s the MILF engaged in a retreat and reconsolidation strategy, hunkering down in its stronghold in central Mindanao. A set of MILF 'camps' were established in locations across Maguindanao Province, where MILF ally Candao returned to the position he had previously held as provincial governor from mid-1995. Alongside this self-conscious initiative to consolidate a social, political, and territorial base were efforts to develop the MILF's Bangsamoro Islamic Armed Forces (BIAF) into the semblance of a disciplined and well-armed military organization. Filipino and foreign journalists who were invited to visit the MILF camps during this period came away impressed with the apparent strength and size of the MILF's territory, mass base, and military force. The image projected was one of enduring solidity, seriousness of purpose, and some sense of shared religious

¹¹ For a detailed account, see: McKenna, *Muslim Rulers and Rebels*, pp. 234-268.

¹² For a detailed overview of the MILF's activities throughout this period, see: Marites Dañguilan Vitug and Glenda M. Gloria, *Under the Crescent Moon: Rebellion in Mindanao* (Quezon City: Ateneo Center for Social Policy and Public Affairs, 2000), pp. 136-161.

piety if not strictly orthodox practice, in contrast with the self-evident collusiveness and corruptibility of the MNLF entrenched in the nearby offices of the ARMM.¹³

57. In retrospect, it seems clear, the picture presented to the outside world exaggerated the organizational strength, solidity, and esprit de corps of the MILF. Extended ethnographic research in MILF-controlled areas conducted over the 1990s reveals a much more ambiguous and attenuated field of political, social, and religious authority.¹⁴ Other research has likewise suggested the complexity and density of relationships between MILF commanders and entrenched local political and business interests, with the MILF embroiled in local electoral contests, land disputes, and other family feuds (*rido*), manning highway ‘checkpoints’ and maintaining a role in diverse legal and illegal economic activities in exchange for toll fees and ‘protection’ payments.¹⁵ Meanwhile, subsequent accounts by senior military officers of the Armed Forces of the Philippines (AFP) have also cast doubt on the nature and extent of the territorial control constituted by the MILF ‘camps’ and the nature and extent of the military organization styled as the Bangsamoro Islamic Armed Forces.¹⁶ There is thus an alternative or corrective picture of the MILF as a loosely organized armed guerrilla group intimately intertwined with parochial economic and political interests limited to the province of Maguindanao (with limited spillover into neighboring provinces in central Mindanao), embittered and envious of the MNLF’s greater success in winning recognition and reward from the Philippine national government and other external sources of patronage under the rubric of the Autonomous Region of Muslim Mindanao (ARMM).
58. In any event, this protracted period of MILF ‘consolidation’ and entrenchment in Maguindanao Province and elsewhere in central Mindanao over the course of the 1990s drew to a close at the end of the decade. While the MILF had succeeded in winning effective Philippine government recognition of its various ‘camps’ as late as 1997, such live-and-let-live arrangements began to unravel with the election of a new president in mid-1998. The new president’s political linkages in Mindanao extended only to Christians with business interests in ARMM instead of the kinds of informal electoral

¹³ See, for example, “Hidden Strength,” *Far Eastern Economic Review*, 23 February 1995, pp. 22-28; “To Fight or Not to Fight,” *Far Eastern Economic Review*, 9 March 1995, p. 21; “MILF Shadow Government Up,” *Today*, 5 September 1996; “The Fire Next Time,” *Far Eastern Economic Review*, 28 March 1996, pp. 26-30; and “MILF: Force To Be Reckoned With,” *Philippine Reporter*, 15 October 1996.

¹⁴ On religious issues in particular, see the detailed description and analysis, based on extensive ethnographic research in an MILF camp, in McKenna, *Muslim Rulers and Rebels*, pp. 170-196, 219-233.

¹⁵ Eric Gutierrez and Abdulwahab Guialal, “The Unfinished Jihad: The Moro Islamic Liberation Front and Peace in Mindanao,” in Gaerlan and Stankovich (eds.), *Rebels, Warlords and Ulama*, pp. 263-292.

¹⁶ See, for example, the forensic analysis in Cesar P. Pobre and Raymund Jose G. Quilop (eds.), *In Assertion of Sovereignty Volume One: The 2000 Campaign Against the MILF* (Quezon City: Armed Forces of the Philippines Office of Strategic and Special studies, 2008), pp. 19-28; and Patricio N. Abinales, “Sancho Panza in Buliok Complex: The Paradox of Muslim Separatism,” in Rodolfo C. Severino Lorraine Carlos Salazar (eds.), *Whither the Philippines in the 21st Century?* (Singapore: Institute of Southeast Asian Studies, 2007), pp. 277-312.

alliances with the MNLF and the MILF forged opportunistically by the preceding two administrations. By 2000, not only were moves afoot to undermine and oust Nur Misuari as ARMM Regional Governor, but a ‘total war’ was declared against the MILF, and large-scale military operations were undertaken by the AFP to clear its ‘camps’ across Maguindanao and beyond. In other words, a protracted period of peaceful accommodation was disrupted not by the MILF, but by the Philippine government, which initiated the resumption of armed hostilities.¹⁷

59. Against this local political backdrop, the turn of the 21st century saw the return to large-scale conflict, violence, and forced displacement in central Mindanao, with fighting between AFP and MILF troops continuing on and off throughout much of the 2000s. By 2010, negotiations between the Philippine government and the MILF had led to a formal ceasefire agreement, followed by the signing of a ‘framework agreement’ for a new Bangsamoro Basic Law in 2012, and, following protracted delays in the revision and ratification of the legislation, a Bangsamoro Organic Law was passed by Congress in 2018 and ratified in a plebiscite in early 2019. Since that time, a Bangsamoro Transition Authority dominated by MILF nominees and headed by MILF Chairman Murad Ebrahim as Chief Minister has overseen the establishment of a new Bangsamoro Autonomous Region of Muslim Mindanao (BARMM), replacing the ARMM and including not only Lanao del Sur, Maguindanao, Sulu, and Tawi-Tawi, but also the previously excluded island province of Basilan in the Sulu Archipelago.

C. The Role Of The *Abu Sayyaf* Group In The Conflict In The Southern Philippines

60. The island of Basilan, it is worth noting, also played host to a new form of violent mobilization in the name of Islam, which emerged over the course of the 1990s under the rubric of the so-called *Abu Sayyaf* group. Reportedly founded by an Islamic activist from Basilan after years of studying in the Middle East and a stint along the Afghanistan-Pakistan border with the *mujahidin*, this highly localized group is said to have originated as a religious group *Al Harakat al-Islamiyya* (the Islamic movement). But as the group shifted into criminal activities, it assumed the name *Abu Sayyaf* (Arabic: ‘Bearer of the Sword’) to signify its capacity for violence.
61. Beginning in the early-mid 1990s, the group emerged in the public eye with a series of attacks on Christian missionaries and then a string of bank robberies and kidnappings in and around the Sulu Archipelago, the Zamboanga Peninsula, and farther afield, using Basilan as their protected base of operations. Some of the most highly publicized kidnappings took Christian missionaries or Western tourists as their victims, thus suggesting religious motivations for a group operating in a province notable for mixed and shifting religious demographics, with a 2/3 Muslim majority and a 1/3 Christian minority among whom Protestant evangelical missionaries were actively eroding the hegemony of the Catholic Church.

¹⁷ See the analysis in Nathan Gilbert Quimpo, “Back to War in Mindanao: The Weaknesses of a Power-Based Approach in Conflict Resolution,” *Philippine Political Science Journal*, Volume 21, Number 1 (December 2000), pp. 99-126.

62. A diverse array of sources, however, have suggested that the kidnappings undertaken under the rubric of the *Abu Sayyaf* group over the latter half of the 1990s were largely motivated by pecuniary gain, with the ransom money shared with local elected officials and police, military, and intelligence officers who engaged in collusion, protection, or even orchestration of such activities. Here the preponderance of evidence and expert opinion supports the conclusion that the ‘*Abu Sayyaf* Group’ served as a rubric for diverse criminal activities and protection rackets in an area of the southern Philippines notable for conditions of violence and insecurity. Basilan, it is worth noting, is an island province located just a short ferry ride away from Zamboanga City, a thriving metropolis and the regional hub for western Mindanao and the Sulu Archipelago. Given the discretion of local officials over law enforcement, Basilan’s location made it an excellent base from which to engage in pirate-style predation and ‘protection’ racketeering in and around the Sulu Archipelago and the Zamboanga Peninsula. The exclusion of Basilan from the ARMM during this period also left its local powerbrokers effectively outside the patronage network of the MNLF leadership with its base in areas of nearby Sulu Province.¹⁸
63. Over the course of the 2000s and 2010s, a marked shift in the activities attributed to or claimed by the *Abu Sayyaf* group became apparent. The *Abu Sayyaf*’s repertoire of violence now expanded to include beheadings of hostages as well as a series of terrorist bombings of civilian targets, most notably the 2004 bombing of an interisland ferry in Manila Bay.¹⁹ A protracted counterinsurgency and counter-terrorism campaign by the AFP and United States Special Forces troops focused on rooting out the *Abu Sayyaf* Group in Basilan as well as areas of Sulu Province over the course of the 2000s, but with only limited success, as seen in the group’s apparent revival by the early 2010s with a wave of new kidnappings.²⁰

¹⁸ See, for example, Mark Turner, “Terrorism and Secession in the Southern Philippines: The Rise of the *Abu Sayyaf*,” *Contemporary Southeast Asia*, Volume 17, Number 1 (June 1995), pp. 1-17; Dañguilan Vitug and Gloria, *Under the Crescent Moon*, pp. 192-245; Jose Torres, Jr., *Into the Mountain: Hostaged by the Abu Sayyaf* (Quezon City: Claretian Publications, 2001), pp. 145-148; Mark Turner, “The Management of Violence in a Conflict Organization: The Case of the *Abu Sayyaf*,” *Public Organization Review*, 3 (2003), pp. 387-401; and Eduardo F. Ugarte, “The Alliance System of the *Abu Sayyaf*, 1993-2000,” *Studies in Conflict and Terrorism*, Volume 31, Number 2 (2008), pp. 125-144.

¹⁹ Eduardo F. Ugarte, “‘In a Wilderness of Mirrors’: The Use and Abuse of the ‘*Abu Sayyaf*’ Label in the Philippines,” *South East Asia Research*, Volume 18, Number 3 (2010), pp. 373-413; Eduardo F. Ugarte and Mark Macdonald Turner, “What is the ‘*Abu Sayyaf*’? How Labels Shape Reality,” *Pacific Review*, Volume 24, Number 4 (2011), pp. 397-420; Rommel C. Banlaoi, “Maritime Terrorism in Southeast Asia – The *Abu Sayyaf* Threat,” *Naval War College Review*, Volume 58, Number 4 (Autumn 2005), pp. 62-80; Zachary Abuza, *Balik-Terrorism: The Return of the Abu Sayyaf* (Carlisle, PA: US Army War College Strategic Studies Institute, 2005); Rommel C. Banlaoi, “From Mere Banditry to Genuine Terrorism,” *Southeast Asian Affairs* (2006), pp. 247-262;

²⁰ Larry Niksch, *Abu Sayyaf: Target of Philippine-US Anti-Terrorism Cooperation* (Washington, DC: Congressional Research Service, 2007); Linda Robinson, Patrick B. Johnston, and Gillian S. Oak, *U.S. Special Operations Forces in the Philippines, 2001-2014* (Santa Monica, CA: Rand Corporation, 2016); Rommel C. Banlaoi, *Al Harakatul Al-*

64. Overall, the 1980s and 1990s witnessed the emergence of new forms of violent mobilization in the name of Islam in the southern Philippines which challenged the MNLF's command structure and its claims to represent the Moro – i.e. Muslim Filipino – people of the southern Philippines. These challenges emerged against the backdrop of the return to democratic forms of representation and the establishment of an autonomous regional government for Muslim areas of Mindanao and the Sulu Archipelago. On the one hand, the MILF assumed the form of a seemingly well disciplined and religiously devout organization focused on building a strong social, political, and territorial base in the central Mindanao province of Maguindanao, more active in the electoral arena and in formal and informal engagements with the national government than in armed guerrilla struggle much less any other forms of violence. On the other hand, the *Abu Sayyaf* group assumed the form of a predatory, pirate-like outfit focused on kidnappings for ransom and other criminal and extortionary activities in and around its base in areas of Basilan and Sulu.
65. While both the MILF and the *Abu Sayyaf* group invoked the universalistic idiom of Islam, their activities and aspirations remained strikingly parochial, reflecting the narrowness of their geographical bases of operations and the positions of marginality from which they worked to mount challenges to the power and pre-eminence of the MNLF in the southern Philippines. By the turn of the 21st century, moreover, both the MILF and the *Abu Sayyaf* found themselves – like the MNLF – threatened by the reassertion of power by the national government and the reintroduction of government troops in the southern Philippines, with the encouragement and assistance of the United States government, especially after 2001. In this context, and in the wake of the 11 September 2001 attacks, questions and concerns arose with regard to the links between these two groups in the southern Philippines and Islamist terrorist groups elsewhere across the world such as the *Jemaah Islamiyah* network and *Al Qaeda*. It is to these questions that the report now turns.

D. The Historical And Political Context Within Which Religious Violence Emerged In Indonesia Over The Late 1990s And Early 2000s And The Role Of The Jemaah Islamiyah Network In Such Violence

66. The backdrop to the emergence and activities of the *Jemaah Islamiyah* network in Indonesia is the complex history of contestation over the role of Islam in Indonesia, the single most populous majority-Muslim country in the world since its establishment as an independent new nation-state at the end of the 1940s. Indonesia is a sprawling archipelago known for its ethnic, linguistic, and religious diversity and for considerable pluralism of beliefs, practices, authority structures, and political affiliations among the majority Muslim population. Within this context, the *Jemaah Islamiyah* network represents only a very minor and marginalized strain of Islamic educational and associational activity and Islamist political activism.

Islamiyyah: Essays on the Abu Sayyaf Group: Terrorism in the Philippines from Al-Qaeda to ISIS (Manila: Philippine Institute for Peace, Violence and Terrorism Research, 2019).

67. The *Jemaah Islamiyah* network emerged out of an Islamic boarding school (*pesantren*) outside the central Javanese city of Solo, which was founded in the 1970s by two Islamic scholars named Abdullah Sungkar and Abu Bakar Ba'asyir. These two scholars were both rooted in a milieu of strictly orthodox and *salafi* Islamic piety and practice associated with the associational and education network *Al Irsyad*, which had been founded in the 1910s by Arab immigrants to the Indonesian archipelago from the Hadhramaut region of what today is Yemen.²¹ Sungkar and Ba'asyir had come of age during a period of violent Islamist mobilization against the Communist Party of Indonesia (*Partai Komunis Indonesia*) in 1965-66, when Islamist activists assisted the Army in carrying out large-scale anti-communist pogroms amidst the consolidation of a new conservative military regime under former Army general Suharto.
68. From this period onwards, they were affiliated with *Dewan Dakwah Islamiyah Indonesia* (DDII or Indonesian Islamic Propagation Council), which was headed by Muhammad Natsir, the former head of *Masyumi*, the modernist Islamic political party which had been banned in 1960 for its role in the CIA-backed regional rebellions of 1957-59.²² Over the course of the early-mid 1970s, moreover, Sungkar and Ba'asyir were also drawn into the orbit of the remnants of the *Darul Islam* movement, which had emerged during the armed anti-colonial struggle against the Dutch in the late 1940s and continued to fight for an Islamic State after independence until its eventual defeat by 1962.²³ While *Darul Islam* activists enjoyed surreptitious patronage and protection from military intelligence over the late 1960s and early-mid 1970s, by the late 1970s the government had shifted to more restrictive policies on the role of Islam in public life and to repression of Islamist networks now deemed to be dangerously opposed to the ecumenical bases of the Suharto regime. While Islam was the professed faith of more than 85% of Indonesia's population, the regime favored secular rather than Islamic education, an ecumenical approach to religious issues, and inclusion – and prominence if not preeminence – of Christians among the highest echelons of the military establishment, the government's senior economic policy team, the business community, and other spheres of public life.²⁴
69. From the late 1970s into the early-mid 1980s, Sungkar and Ba'asyir's increasing difficulties with the authorities led to a series of arrests, periods of incarceration, and legal proceedings in the courts. In 1985, moreover, the government passed new legislation forcing all organizations operating in the public sphere to acknowledge the

²¹ On *Al Irsyad*, see: Natalie Mobini-Kesheh, *The Hadrami Awakening: Community and Identity in the Netherlands East Indies, 1900-1942* (Ithaca, NY: Cornell University Southeast Asia Program, 1999), especially pp. 71-90.

²² On *Dewan Dakwah Islamiyah Indonesia*, see: Asnan Husin, "Philosophical and Sociological Aspects of Da'wah: A Study of Dewan Dakwah Islamiyah Indonesia" (PhD dissertation, Columbia University, 1998), especially pp. 147-176.

²³ Chiara Formichi, *Islam and the Making of the Nation: Kartosuwiryo and Political Islam in 20th Century Indonesia* (Leiden: KITLV Press, 2013).

²⁴ On the political prominence of the Catholic-run Center for Strategic and International Studies (CSIS) over the 1970s and 1980s, for example, see: Richard Tanter, "Intelligence Agencies and Third World Militarization: A Case Study of Indonesia, 1966-1989" (PhD dissertation, Monarch University, 1991), pp. 321-325, 430-432.

constitutional principle of *Pancasila* – rather than Islam – as their founding principle. Against this backdrop, and in the context of ongoing court proceedings which appeared likely to lead to a return to imprisonment, Sungkar and Ba'asyir fled Indonesia for neighboring Malaysia, where they continued to teach, preach, and engage in clandestine organizing activities over the course of the latter half of the 1980s and much of the 1990s. Over these years, moreover, they dispatched dozens of recruits to the Afghan-Pakistan border and to MILF-controlled areas of the southern Philippines for military training.²⁵

70. By 1999, however, conditions in Indonesia had changed so dramatically as to enable them to return to their home country with high expectations of the prospects for the resumption of their struggle. From the beginning of the 1990s, the Suharto regime had shifted its policies towards Islam yet again, now engaging in active efforts to encapsulate and appropriate the institutional and discursive foundations of the faith for its own ends. In 1990, with Suharto's blessing, his long-time close associate and Minister for Research and Technology B.J. Habibie founded the All-Indonesian Association of Islamic Intellectuals (*Ikatan Cendekiawan Muslimin se-Indonesia*, or *ICMI*) as an umbrella organization for the promotion of Islam in Indonesian society. From this time on, politicians, military officers, civil servants, businessmen, and activists affiliated with *ICMI* began to enjoy privileged access to state patronage, in terms of employment and promotions, state loans or subsidies, and other forms of support. *ICMI*-affiliated figures ascended to leading positions in the Cabinet, the Parliament, local government, the bureaucracy, and the military establishment, even as *ICMI*-affiliated publications, think tanks, and media outlets were established and began to expand in audience and influence. At the same time, a diverse range of Islamist activists and organizations began to enjoy government patronage and protection via *ICMI*, including groups long on the fringe of Indonesian society and Islamic activity, such as those affiliated with *Dewan Dakwah Islamiyah Indonesia* (DDII), with activists released from prison and other restrictions on their public expression and activism in the name of Islam.²⁶
71. When, in May 1998, Suharto was forced to resign in the face of rising student protests, large-scale rioting, and internal regime fractiousness amidst the Asian economic crisis of that year, *ICMI* Chairman Habibie, then serving as his Vice President, stepped in to assume the presidency. Over the latter half of 1998 and 1999, Habibie oversaw a transition from centralized authoritarian rule to decentralized democracy, with freedoms of political expression and organization fully liberalized over late 1998 and free, fair, and genuinely competitive elections held in mid-1999, leading to the convening of a multi-party parliament and the (indirect) selection of a new president in October of the same year. It was thus in the context of the apparent ascendancy of Islam (or at least Islamist organizations and aspirations) to a position of unprecedented – if

²⁵ Solahudin, *The Roots of Terrorism in Indonesia: From Darul Islam to Jema'ah Islamiyah* (Ithaca, NY: Cornell University Press, 2013), pp. 81-165.

²⁶ Robert W. Hefner, "Islam, State, and Civil Society: ICMI and the Struggle for the Indonesian Middle Class," *Indonesia*, 56 (October 1993), pp. 1-35; R. William Liddle, "The Islamic Turn in Indonesia: A Political Explanation," *Journal of Asian Studies*, Volume 55, Number 3 (August 1996), pp. 613-634; Robert W. Hefner, *Civil Islam: Muslims and Democratization in Indonesia* (Princeton, NJ: Princeton University Press, 2000), pp. 128-166.

insecure – prominence and power in public life and politics that Abdullah Sungkar and Abu Bakar Ba'asyir returned to Indonesia in 1999.

72. But over the course of the year 1999, the position of Islam – or at least of Islamist forces – suffered a precipitous decline in Indonesian society and politics. At the national level, the parliamentary elections of June 1999 saw a sharp fall in the vote share claimed by Golkar, the political machine then controlled by Habibie, as well as a strikingly weak showing for new Islamist parties informally allied with the regime. Instead, the single strongest party proved to be the ecumenical Indonesian Democratic Party of Struggle (*Partai Demokrasi Indonesia Perjuangan*, or PDI-P), whose elected MPS were 1/3 non-Muslim (mostly Protestant Christian) and included virtually no Muslims with serious Islamic educational or associational backgrounds.
73. The convening of the supra-parliamentary People's Consultative Assembly in October 1999, moreover, produced a compromise in its selection of the new president, Abdurrahman Wahid, and vice-president, Megawati Soekarnoputri. Wahid was the head of the 'traditionalist' Islamic association *Nahdlatul Ulama* and was known for his antipathy towards Islamist forces and his abiding support for a multi-faith Indonesia, while Megawati was the head of the ecumenical PDI-P. The 1999 election results, in other words, represented a sudden reversal for Islamist forces in Indonesian politics and a return to a position of marginality after the ascendancy of the preceding years.²⁷
74. Over the course of 1999 and 2000, moreover, inter-religious violence between Christians and Muslims began to unfold in the eastern island provinces of Maluku and North Maluku as well as the Central Sulawesi regency of Poso, causing hundreds of deaths and the forced displacement of hundreds if not thousands of residents amidst the conflict. The violence was provoked by escalating rivalry between local Christian and Muslim criminal gangs and business-cum-political networks in the months leading up to the mid-1999 elections, rather than by inter-religious tensions per se.²⁸
75. Although Christians constituted a small minority across Indonesia as a whole, they were in rough demographic parity with Muslims in these parts of the country, and they appeared to be amply capable of defending themselves and of attacking Muslim communities in the context of localized inter-religious warfare. Indeed, December 1999 witnessed a massacre of more than 800 Muslims in the North Maluku regency of Tobelo, and April 2000 saw a second large-scale mass killing at an Islamic school in Poso which took dozens of Muslims. From the perspective of many Muslims, Christians

²⁷ For a detailed account of events and developments during these years, see: Kees van Dijk, *A Country in Despair: Indonesia between 1997 and 2000* (Leiden: KITLV Press, 2001).

²⁸ For authoritative, in-depth analyses of these conflicts, see: Gerry van Klinken, *Communal Violence and Democratization in Indonesia: Small Town Wars* (London: Routledge, 2007); Chris Wilson, *Ethno-Religious Violence in Indonesia: From Soil to God* (London: Routledge, 2008); Christopher R. Duncan, *Violence and Vengeance: Religious Conflict and Its Aftermath in Eastern Indonesia* (Ithaca, NY: Cornell University Press, 2013); Dave McRae, *A Few Poorly Organized Men: Interreligious Violence in Poso, Indonesia* (Leiden: KITLV Press, 2013).

appeared to have initiated the violence, to have perpetrated the worst atrocities, and to be on the winning side of this localized inter-religious civil war.²⁹

76. Against this backdrop, the return of Abdullah Sungkar and Abu Bakar Ba'asyir to Indonesia in 1999 saw the onset of violent mobilization by members of the *Jemaah Islamiyah* network which they had established over the preceding decade. While Sungkar died of heart failure in late 1999, Ba'asyir went on to help found – and lead – an above-ground group known as the *Majelis Mujahidin Indonesia* (Indonesian Mujahidin Council or MMI) in 2000, which proclaimed its aspirations for an Islamic state as well as its concern in the context of the marginalization of Islam and the 'multidimensional crisis' facing Indonesia at the time.³⁰ But even as Ba'asyir was achieving unprecedented public visibility, the *Jemaah Islamiyah* network began to shift into active support for Muslim communities – and Muslim fighters – in the inter-religious conflict areas of Maluku, North Maluku, and Poso. This support involved the fielding of armed fighters affiliated with groups like *Laskar Mujahidin*.³¹
77. By 2000, moreover, the *Jemaah Islamiyah* network had also begun to shift into a new form of violent mobilization in the name of Islam, namely terrorist bombings targeting Indonesian civilians. Christmas Eve of that year saw a series of explosions at churches in Jakarta, Bandung, Medan, and elsewhere across the Indonesian archipelago, killing 18 people and injuring many others. These bombings appear to have been undertaken in retribution for the mass killings in North Maluku a year earlier, in December 1999.³² In other words, as of early 2000, the *Jemaah Islamiyah* network's activities were focused on struggles, conflicts, and targets within Indonesia.
78. But the year 2000 also saw for the first time the internationalization of *Jemaah Islamiyah*'s terrorist bombing activities. In August 2000, a bomb was detonated outside the residence of the Philippine Ambassador to Indonesia in Jakarta, killing two people and wounding the diplomat. In late December 2000, moreover, five bombs were detonated at various locations across Metro Manila, leading to 22 fatalities. The bombings were seen as an act of retribution in response to the AFP's campaign over the preceding months, leading to the capture of MILF camps in central Mindanao. This

²⁹ See, for example, the series of articles and photographs depicting the January 2000 massacre of Muslim villagers in Galela, North Maluku, under the cover story rubric "Detik-detik Terakhir Muslim Galela," *Sabili*, 8 March 2000, pp. 22-44, especially p. 25 for detailed tabulation of Muslim casualties (said to number 3,567) and internally displaced persons (IDPs, said to number 91,509) in North Maluku.

³⁰ For materials from the founding congress of the MMI, see: Irfan Suryahardi Awwas (ed.), *Risalah Kongres Mujahidin I dan Penegakan Syari'ah Islam* (Yogyakarta: Wihdah Press, 2001).

³¹ The shadowy *Laskar Mujahidin* was greatly outnumbered and overshadowed by the *salafi* group *Laskar Jihad* in the provision of armed and logistical support to Muslims in the context of the inter-religious conflicts in Maluku, North Maluku, and Poso. See: Noorhaidi Hasan, *Laskar Jihad: Islam, Militancy, and the Quest for Identity in Post-New Order Indonesia* (Ithaca, NY: Cornell University Southeast Asia Program, 2006).

³² See the series of articles published under the rubric "Cerita dari Mosaik Bom Natal," *Tempo*, 25 Februari 2001, pp. 60-80.

bombing attack appears to have been undertaken by a team of *Jemaah Islamiyah* activists together with at least one compatriot from the MILF.³³

79. Beginning in late 2001, moreover, the *Jemaah Islamiyah* network shifted its focus to Western targets, against the backdrop of the cessation of inter-religious violence in Indonesia, the 11 September 2001 terrorist attacks on New York and Washington, DC, and the escalation of counter-terrorism activities across Southeast Asia at the urging of the United States government. A bomb plot against Western embassies in Singapore was discovered and foiled in December 2001, prompting a wave of arrests.³⁴ In March 2002, two Indonesians were arrested in Manila while allegedly trying to board flights carrying bomb-making equipment.³⁵ Over subsequent months, legal proceedings began to unfold against Abu Bakar Ba'asyir for his alleged involvement in terrorist activities. In October 2002, members of the *Jemaah Islamiyah* network undertook the bombing of two nightclubs on the Indonesian island of Bali, killing more than two hundred people, mostly foreign tourists.³⁶ Subsequent years saw a series of similar bombing attacks on Western targets – the Marriott Hotel in Jakarta in 2003, the Australian Embassy in Jakarta in 2004, and two beach resorts in Bali in 2005, which were attributed to elements of the same network.³⁷
80. Since that time, activists associated with the remnants of the *Jemaah Islamiyah* network have been involved with a series of terrorist attacks in both Indonesia and the Philippines focused largely on local targets. With the Indonesian government undertaking serious counter-terrorism operations in the wake of the bombings of 2002-2005, and the security services similarly constraining the activities of *Jemaah Islamiyah* in Malaysia and Singapore, some members of this network sought refuge in the southern Philippines. There they found safe haven from sympathetic compatriots in the ranks of the MILF in central Mindanao and the *Abu Sayyaf* group in Basilan and Sulu, but by the late 2000s the MILF discontinued its cooperation and disavowed connections with *Jemaah Islamiyah* as part of its efforts to reach a new condominium with the Philippine government and the United States. Since that time, counter-terrorism operations by the Philippine and US governments in the southern Philippines have at times targeted Indonesian and Malaysian Islamist activists associated with the remnants of the *Jemaah Islamiyah* network, who have continued to enjoy safe haven and engage in active collaboration with armed Islamist groups like the *Abu Sayyaf* group that were disaffected with the MILF and the MNLF.

³³ For a concise analysis of the motivation for these bombings, see: Quinton Temby, “Jihadists Assemble: The Rise of Militant Islamism in Southeast Asia” (PhD dissertation, Australian National University, 2017), pp. 203-204.

³⁴ See: *White Paper: The Jemaah Islamiyah Arrests and the Threat of Terrorism* (Singapore: Ministry of Home Affairs, 2003).

³⁵ For diverse Indonesian-language sources of reportage and commentary on this controversial episode, see: *ManilaGate: Kontroversi Penangkapan Tamsil Linrung* (Jakarta: Merah Putih, 2003).

³⁶ See: Hermawan Sulisty (ed.), *Bom Bali: Buku Putih tidak resmi Investigasi Teror Bom Bali* (Jakarta: Pensil 324, 2002); and “Setahun Bom Bali,” *Tempo*, 19 Oktober 2003, pp. 28-83.

³⁷ *Recycling Militants in Indonesia: Darul Islam and the Australian Embassy Bombing* (Jakarta/Brussels: International Crisis Group, 22 February 2005).

81. Overall, the 1990s saw the rise of an Islamist network known as *Jemaah Islamiyah*, led by Indonesians but operating largely in exile in Malaysia and the southern Philippines. This subterranean network remained essentially inactive beyond recruitment and military training for most of the 1990s, but it sprang into action after the fall of Suharto and the ascendancy of Habibie to the presidency in 1998 and amidst the ongoing transition to democracy in Indonesia in 1999. Over 1999-2000, the network's activities were focused on assisting Muslims and seeking retribution for Christian violence against Muslims in Maluku, North Maluku, and Poso, through the fielding of paramilitary forces in these areas and the bombing of churches across the Indonesian archipelago. At the same time, the network also assisted the MILF in seeking retribution for the Philippine government's 'total war' campaign and seizure of MILF camps over the course of 2000.
82. But by late 2001, as the inter-religious conflicts were resolved in Indonesia and as both the Indonesian and the Philippine governments received active encouragement and assistance from the United States in pursuing aggressive campaigns against Islamist forces in the two countries, the *Jemaah Islamiyah* network shifted its activities to focus on terrorist attacks on Western targets. Thus the *Jemaah Islamiyah* network only briefly and belatedly turned to the grandiose cause of 'global *jihad*' after the failure of its bid for relevance – and its brief and failed experiment with local *jihad* – during the period of heightened Islamist influence and inter-religious violence in Indonesia in 1999-2001. As with the MILF and the Abu Sayyaf, the invocation of extravagant claims to speak in the name of Islam by the members and leaders of this *Jemaah Islamiyah* network emerged amidst the group's relegation to a position of marginality and in the context of the increasingly evident implausibility of its claims to represent Muslims themselves.
83. In short, the determinants of violence in the name of Islam in both the southern Philippines and Indonesia were local in origin, reflecting political opportunities and constraints in these local and national contexts rather than participation in a broader struggle for 'global *jihad*'.

E. The Nature And Significance Of The Role Of Southeast Asia Within The Global Jihad Waged By Al Qa'ida

84. But beyond their specifically Southeast Asian context(s), the emergence and evolution of the MILF, the *Abu Sayyaf* group, and the *Jemaah Islamiyah* network must also be situated within the broader canvas of broader developments and trends across the Muslim world over the final decades of the twentieth century. For example, the *Dewan Dakwah Islamiyah Indonesia* (DDII) to which the *Jemaah Islamiyah*'s progenitors Abdullah Sungkar and Abu Bakar Ba'asyir were affiliated enjoyed the sponsorship of the Muslim World League thanks to the intermediation of former *Masyumi* party leader Muhammad Natsir. The rather marginal *Al Irsyad* school network and the particular understandings and practices of Islam to which Sungkar and Ba'asyir ascribed were more in line with the *salafi* orthodoxy entrenched and advocated by Saudi Arabian scholars than the 'traditionalist' *Nahdlatul Ulama* or the Westernized 'modernist' *Muhammadiyah*, which have dominated the field of Islamic educational and associational activity since their establishment in the 1910s and 1920s.

85. Over the course of the late 1980s, members of what would become the *Jemaah Islamiyah* travelled to Pakistan to assist in the *jihād* in Afghanistan against Soviet forces occupying the country.³⁸ Small numbers of Muslim Filipinos also found themselves involved in the *jihād* in Afghanistan during this period.
86. It was also in the context of the conflict in Afghanistan that small numbers of Southeast Asian Muslims variously affiliated with the MILF, the *Abu Sayyaf* group, and the *Jemaah Islamiyah* network undertook military training along the Afghanistan-Pakistan border and perhaps in some cases experienced actual military combat in Afghanistan during this period. Some of this military training and military service unfolded in encampments and units under the oversight of the Afghan *mujahidin* leader Abdul Rasul Sayyaf, who evidently played host to significant numbers of foreign fighters over the years. The most detailed accounts of the experiences of these Southeast Asian Muslims in Pakistan and Afghanistan during this period make clear that the training was military in nature and focused on armed insurgency, rather than geared towards terrorist activities like bomb-making.³⁹
87. It was also during this period that certain contacts appear to have been established between Southeast Asian *mujahidin* affiliated with the *Jemaah Islamiyah* network and figures associated with the group that came to be known as *Al Qa'ida*, including Osama bin Laden himself. There appears to be some evidence that such contacts and channels of communication were maintained over the course of the 1990s or at least that they were resumed by the late 1990s as bin Laden began to develop his ambitions for the undertaking of a global *jihād* against the United States. There are reports of meetings and exchanges of money to support *Jemaah Islamiyah* as it explored possibilities of terrorist attacks against Western targets over the course of 2001-2002. It is thus possible to speak of an alignment of interests and aspirations between *Al Qa'ida* and *Jemaah Islamiyah* at this later juncture, although the full extent of the communications and collaboration between the two groups remains impossible to verify.⁴⁰
88. As for the Philippines, there is likewise some evidence of interest and involvement in the archipelago on the part of those promoting a global *jihād* against the United States over the course of the 1990s. Ramzi Yousef, who carried out the bombing of the World Trade Center in 1993, based himself in Manila in 1993-94 and worked with his uncle, the alleged mastermind of the 11 September 2001 attacks, on a plot for the assassination of Pope Paul II and the simultaneous explosion of eleven airplanes in flight from Asia to the United States. While the plot was foiled and Yousef was forced to flee the Philippines in early 1995, he had also allegedly funnelled funds over the preceding years to the *Abu Sayyaf* group through the former local head of the Saudi-based International Islamic Relief Organization (IIRO), Mohammed Jamal Khalifa, a brother-in-law of Osama bin Laden. It remains entirely unclear what specific objectives were

³⁸ Solahudin, *The Roots of Terrorism in Indonesia*, pp. 126-132.

³⁹ See, for example, Nasir Abas, *Membongkar Jamaah Islamiyah: Pengakuan Mantan Anggota JI* (Jakarta: Grafindo Khazanah Ilmu, 2005).

⁴⁰ See, for example, the discussion in Solahudin, *The Roots of Terrorism in Indonesia*, pp. 166-191.

identified with the *Abu Sayyaf* or what impact the alleged funding had on the group's activities and operations.

89. Here it is also worth noting the evidence of subsequent IIRO funding of Islamic outreach to communities, individuals, and organizations operating under the informal authority of the MILF in the central Mindanao province of Maguindanao and neighboring areas over the course of the 1990s, much as a variety of other – non-Islamic – humanitarian organizations, overseas development agencies, multilateral financial institutions, and Philippine government agencies may well have been doing at the same time and certainly have been doing in subsequent years. It remains entirely unclear to what extent such funding favored MILF-affiliated communities as compared with other areas of the southern Philippines or whether such possible favoritism derived from perceptions of shared religious orientations or other rationales.
90. Ambiguities aside, there is ample clarity with regard to what inferences and implications can and cannot be drawn from these reported linkages between violent mobilization in the name of Islam in the southern Philippines and Indonesia, on the one hand, and transnational sources of Islamic outreach and Islamist – and *jihadi* – activism beyond Southeast Asia, on the other. First, by all accounts, the training undertaken by Southeast Asian *mujahidin* in the 1980s and 1990s along the Afghanistan-Pakistan border and in Afghanistan itself was military in nature, focused on the accumulation and enhancement of skills in armed guerrilla insurgent activity, skills of possible utility in the context of the MILF's struggle against the AFP in the southern Philippines and groups like *Laskar Mujahidin* in inter-religious violence in remote areas of Indonesia. In other words, the purpose of the training was not for terrorist attacks on Western targets. The same appears to true for the military training camps in MILF-controlled areas of central Mindanao in the 1990s.

VI. REBUTTAL OPINION IN RESPONSE TO EXPERT REPORTS SUBMITTED BY PLAINTIFFS' COUNSEL

A. Questions of Methodology

91. The coverage of the Philippines and Indonesia in the expert reports submitted by the plaintiffs' counsel is problematic in terms of its underlying methodology, as seen in a particular style and structure of presentation of empirical evidence, analysis and – explicit or implicit – conclusions. The empirical evidence provided is entirely focused on the reported actions and alleged affiliations of specific individuals and organizations without any contextualization in terms of political circumstances and political conflicts and struggles in these Southeast Asian countries, as if the individuals and organizations concerned were operating without any local/national aims or objectives, or any local/national constraints or considerations other than those ascribed to *Al Qaeda* and its alleged agents and interlocutors.
92. The effect produced is of a purely conspiratorial narrative which unfolds through meetings, communications, and financial transactions in a vacuum. The complex political contexts of the southern Philippines and Indonesia in the 1990s and the early 2000s are obscured from view, as are all manner of actions, affiliations, and motivations

embedded within these contexts and unrelated to – indeed, often at odds with – the presumed master plan for ‘global *jihad*’ developed by *Al Qa’ida* over the course of the late 1990s and onward to 11 September 2001 and beyond. The narrative thus suffers from tendency to lapse into tautology and teleology, which diminishes its credibility and that of the expert reports.

93. The sources cited in the expert reports with regard to Southeast Asia are mostly U.S. government documents or press reports – or the writings of ‘terrorism expert’ Zachary Abuza who relies on the same kinds of sources himself, in a kind of feedback loop in which alternative sources of information (including those in local languages) are effectively excluded and obscured. These sources are cited selectively, unquestioningly, and uncritically in support of the kind of narrative plot line outlined above, without additional verification or any kind of discussion of their own empirical bases or their reliability for purposes of description or analysis. The reports neither acknowledge nor incorporate the extensive body of scholarly literature on Islam, politics, and violent conflict in the southern Philippines and Indonesia written by specialists with in-depth knowledge of local political conditions, historical and sociological contexts, languages, and empirical sources.
94. The heavy reliance of the Winer report on the writings of one single author, namely Zachary Abuza is especially problematic, given that these writings are excerpted at length and invoked as authoritative,⁴¹ although there are serious questions about the sources consulted, the methods used, the mode of analysis, and the credibility enjoyed among recognized specialists on Southeast Asia. Indeed, Abuza’s work has largely been published by non-academic institutions like the Seattle-based National Bureau of Asian Research and the Singapore-based Institute of Southeast Asian Studies and by commercial publishing houses rather than academic journals and university presses.
95. In analytical terms, the two pieces of writing by Zachary Abuza cited in the Winer report⁴² take as their point of departure a picture of Southeast Asia that privileges from the outset the role of *Al Qa’ida* and a small set of actors and organizations in the Philippines and Indonesia, with evidence of communications and connections between them seemingly equated with evidence of affiliation, alliance, and alignment. The activities of these actors and organizations are only described in terms of the linkages between them and the terrorist attacks attributed to them, without any effort to situate them within the local contexts in which they are embedded or to provide discussion and debate with authors with alternative analytical frameworks for understanding the actors and organizations treated (as is conventional, indeed, compulsory, in academic publishing). Subsequent published writings by Abuza which present a much more complicated picture of the aims and activities of the *Abu Sayyaf* group, the MILF, and

⁴¹ See paragraphs 12.9.7 through 12.9.17, pages 94-100, in particular.

⁴² Zachary Abuza, “Tentacles of Terror: Al Qaeda’s Southeast Asian Network,” *Contemporary Southeast Asia*, Volume 24, Number 3 (December 2002), pp. 427-465; Zachary Abuza, *Funding Terrorism in Southeast Asia: The Financial Network of Al Qaeda and Jemaah Islamiyah* (Seattle, WA: National Bureau of Asian Research, 2003).

the *Jemaah Islamiyah* network are not cited by Winer or in the other expert reports submitted by counsel for the plaintiffs.⁴³

96. The two pieces by Abuza cited and quoted at length in the Winer report draw neither on the rich body of scholarly research on the contexts of the Philippines and Indonesia nor on the extensive coverage of groups like the *Abu Sayyaf*, the MILF, and *Jemaah Islamiyah* by Filipino and Indonesian academics, investigative journalists, and other authors, whether in English or in the Indonesian language. Instead, these writings tend to cite articles by foreign correspondents for English-language, US-based journalistic publications like *Time* magazine, interviews with Philippine and Indonesian intelligence officers, and official government documents (in English) – including (transcribed) interrogation reports of suspected terrorists detained in these countries in Southeast Asia.
97. The key primary sources referenced in these two pieces of writing by Abuza as evidence for affiliation, alliance, and alignment between *Al Qa'ida*, the *Abu Sayyaf* group, the MILF, and the *Jemaah Islamiyah* network are the Philippine and Indonesian intelligence agencies, with interviews with intelligence officers and interrogation reports cited as crucial evidence without any questioning of their reliability. This uncritical reliance on information supplied by Philippine and Indonesian intelligence agencies is especially problematic in the light of the accumulated body of evidence implicating them in torture and other human rights abuses,⁴⁴ on the one hand, and active complicity, collusion, if not coordination with regard to some of the activities of the *Abu Sayyaf* group and the *Jemaah Islamiyah* network, on the other.⁴⁵ There is thus ample reason to suspect that officers of these intelligence agencies had both the opportunities and abilities, and the inclinations and incentives, to exaggerate – or to invent – evidence of linkages between these shadowy Islamist groups and *Al Qa'ida*, especially for American audiences. In other words, the evidentiary basis of the claims made in the reports with regard to *Al Qa'ida*'s activities in Southeast Asia has not been

⁴³ See, for example, Zachary Abuza, “The Moro Islamic Liberation Front at 20: State of the Revolution,” *Studies in Conflict and Terrorism*, Volume 28, Number 6 (2005), pp. 453-479; Zachary Abuza, *Balik-Terrorism: The Return of the Abu Sayyaf* (Carlisle, PA: US Army War College Strategic Studies Institute, 2005); Zachary Abuza, *Political Islam and Violence in Indonesia* (London: Routledge, 2007).

⁴⁴ For discussion of evidence, see, for example, Anja Jetschke, *Human Rights and State Security: Indonesia and the Philippines* (Philadelphia: University of Pennsylvania Press, 2011), pp. 231-256; and Jayson S. Lamchek, *Human-Rights Compliant Counterterrorism: Myth-Making and Reality in the Philippines and Indonesia* (Cambridge: Cambridge University Press, 2019), pp. 98-102, 242-271.

⁴⁵ For discussion of evidence, see, for example, *Indonesia Backgrounder: How the Jemaah Islamiyah Terrorist Network Operates* (Jakarta/Brussels: International Crisis Group, 11 December 2002), pp. 6-9; Tatik S. Hafidz, *The War on Terror and the Future of Indonesian Democracy* (Singapore: Institute of Defence and Strategic Studies Working Paper No. 46, March 2003); Rommel C. Banlaoi, “The Abu Sayyaf Group: From Mere Banditry to Genuine Terrorism?,” *Southeast Asian Affairs 2006*, pp. 23-38, at pp. 23-24; and John T. Sidel, *Riots, Pogroms, Jihad: Religious Violence in Indonesia* (Ithaca, NY: Cornell University Press, 2006), pp. 208-209.

subjected to serious scrutiny in the writings of Zachary Abuza cited in the expert reports submitted by the counsel for the plaintiffs.⁴⁶

98. Furthermore, the sweeping and at time sensationalist accounts of events unfolding in the Philippines and Indonesia in the expert reports submitted by counsel for the plaintiffs include wild exaggerations and extrapolations which do not withstand serious scrutiny, especially in light of the accompanying tendency towards anachronistic conflation of different periods into blanket generalizations.
99. For example, the report by Evan Kohlmann describes the *Abu Sayyaf* group in rather grandiose terms as “a coalition of secessionist Islamic militants in the southern region of the Philippines linked to Al-Qaida” (paragraph 107, page 34) and the Moro Islamic Liberation Front (MILF) as a “terrorist group” (footnote 160, page 35). As detailed in the affirmative report, from its emergence in the early 1990s and throughout the rest of the decade, the *Abu Sayyaf* remained a small, shadowy group with a very limited geographical base of operations, a modus operandi largely organized around kidnapping for ransom and protection racketeering, and linkages to local elected officials and law-enforcement officers. Its orientation during this period was much more criminal than *jihadi*, and the claims as to its putative linkages to *Al Qa’ida* are based on exaggeration and extrapolation rather than solid evidence. As further detailed in the affirmative report, moreover, the MILF cannot credibly be described as a “terrorist group.” The MILF, after all, has an extremely limited record of links to terrorist attacks over the thirty-six years of its formal existence. Its history is one of secessionist or nationalist struggle for an independent or meaningfully autonomous Moro homeland in the southern Philippines, through a mixture of armed insurgency, community organizing, participation in elections and alliances with elected politicians, diplomatic engagement in the international arena, and formal and informal negotiations with the Philippine government.
100. Even more obviously problematic assertions are found in the report by Jonathan Winer, such as his entirely unsubstantiated and inaccurate claim that “[T]here had long been militant Islamic fighters operating in terrorist groups seeking to establish separate fundamentalist Islamic states in such countries as Indonesia, Malaysia, and the Philippines.... (paragraph 12.9.6, page 94).” As noted above, there was nothing along these lines in Indonesia until the fall of Suharto in 1998 and then only in small numbers and focused largely on inter-religious violence between Christians and Muslims rather than aspirations to establish a ‘fundamentalist Islamic state’. Likewise, the violent conflict in the southern Philippines dates back only to the early 1970s, with armed mobilization in support of secessionism led by a secular nationalist MNLF and subsequent mobilization by the MILF very limited in scope and form and lacking in ‘fundamentalist’ orientation or ‘terrorist’ inclination. Meanwhile, there is no evidence of any form of Islamist violence in Malaysia whatsoever until the sudden appearance of the very small, shadowy, and seemingly short-lived *Kumpulan Mujahidin Malaysia* in 2001-2002 amidst the region-wide crackdown on *Jemaah Islamiyah*. In other words,

⁴⁶ For a broader critical discussion of the writings of ‘terrorism experts’ on Southeast Asia in which the works of Zachary Abuza figure quite prominently, see: Natasha Hamilton-Hart, “Terrorism in Southeast Asia: Expert Analysis, Myopia and Fantasy,” *Pacific Review*, Volume 18, Number 3 (September 2005), pp. 303-325.

the sensationalized picture of longstanding and widespread Islamist terrorism activity in support of ‘fundamentalist’ Islamic states across Indonesia, Malaysia, and the Philippines does not correspond to the realities of the recent historical record of these three countries.

101. Finally, the expert report authored by Matthew Levitt oddly seems to suggest (on page 35) that there was an active organizational presence of the Palestinian group *Hamas* (the *Harakat al-Muqawama al-Islamiyya* or Islamic Resistance Movement) in the IIRO Philippines offices in the mid-1990s, on the basis of a single CIA document and a related article in the *Wall Street Journal*. This suggestion seems rather implausible or at least inexplicable, given the lack of any obvious rationale for this Palestinian organization to establish a base in the Philippines, whether in terms of diplomatic outreach, media activism, fund-raising, or logistical support for the organization’s activities and members in the Gaza Strip and the West Bank. It is possible that the IIRO’s office in Manila in the 1990s had Palestinians on its staff who were – theologically and politically – aligned with *Hamas*. But it is difficult to see what, if anything, could or should be concluded from the rather obscure, seemingly unimportant, and unverified – but suggestively sensationalized – claim of a foothold for the Palestinian Islamist group *Hamas* in the far-flung Philippines.
102. This kind of claim epitomizes a broader tendency in all of the discussion on Southeast Asia contained within the expert reports submitted by the plaintiffs’ counsel, namely the imputation or insinuation of some kind of seamless, sustained, single conspiracy somehow encompassing and unifying a diverse set of individuals and organizations with disparate identities, orientations, aims, and objectives, on the basis of very limited evidence of interaction much less affiliation or alignment of interest. Close, careful analysis reveals that the evidence of communications and coordination among these actors and organizations is thin and that the vague claims or insinuations of their impact and importance are unsubstantiated.

B. The Bojinka Plot

103. Meanwhile, there is a similar tendency towards wild extrapolation – and/or vague insinuation – with regard to the so-called Bojinka Plot in some of the expert reports submitted by the counsel for the plaintiffs. Matthew Levitt’s report, for example, briefly mentions this plot (on page 11) in the context of an *Al Qa’ida* strategy of “expansion through building alliances with likeminded militant groups around the world” (p. 10). Jonathan Winer’s report describes this plot as a “precursor to the 9/11 attacks” (paragraph 6.6.6.6, page 27) undertaken by “al-Qaeda personnel incubated by IIRO support” (paragraph 12.9.17, page 100). Brian Michael Jenkins’s report likewise treats the plot as “a direct precursor to the 9/11 operation” (p. 11).
104. The so-called Bojinka Plot involved Ramzi Yousef, the Pakistani mastermind of the 1993 World Trade Center bombing and his uncle, Khalid Sheikh Mohammed, and other compatriots in plans developed and undertaken in Manila over late 1994 and into 1995 to assassinate Pope John Paul II and to detonate explosives on as many as eleven U.S.-bound passenger airplanes departing from Manila and other airports in the region. By December 1994, the development of the plot reached the point where experimental explosions were staged in Cebu City, in Manila, and on a flight bound for Japan, leaving a number of victims injured and one fatality, emboldening the plotters to move to bring

their plot to fruition. But an accidental fire in the plotters' apartment in Manila led to the discovery by the local authorities, the forced flight from the Philippines of Yousef and Khalid, and the arrest of their co-conspirators. This much seems clear from available sources and is not a matter of dispute here.⁴⁷

105. But the aforementioned expert reports submitted by the counsel for the plaintiffs suggest – through exaggeration, extrapolation, and insinuation – a set of implications with regard to the Bojinka Plot which are essentially unwarranted. The reports situate this very ambitious – if unsuccessful – terrorist operation of 1994-95 within a broader narrative in which Southeast Asia figures as a seemingly central part of the trajectory of 'global *ji*had' leading to the 11 September 2001 attacks and beyond. This kind of contextualization is most evident in Jonathan Winer's report, in which a brief description of the plot on page 100 appears as the final paragraph – and thus the culmination, punchline, or grand finale – of a discussion of the IIRO's activities in Indonesia and the Philippines which begins on page 92 and consists of no less than twenty-five (25) paragraphs.
106. A close, careful analysis of the Bojinka Plot, however, raises questions as to the credibility of this kind of contextualization and the kinds of implications which are insinuated in the reports. After all, the available sources indicate that the plot was undertaken by non-Filipino nationals, without local participation, and without any organic connection to one or another group or network or organization linked to the conflict in the southern Philippines. Instead, the location of the plotters in Manila and their use of the city and its airport as a launching pad for the planned terrorist operation of 1994-1995 appear to be understandable as almost incidental or related not to the specific circumstances and struggles of Muslims in the Philippines, but rather to the relative ease with which foreign tourists could move in and out of the country and engage in a variety of activities without attracting the unwanted attention and interference of the authorities. In other words, there does not appear to be any actual connection between the Bojinka Plot of 1994-94 in Manila and the broader developments in the Philippines, Indonesia, and elsewhere in Southeast Asia over subsequent years which are discussed in detail above and alluded to much more sketchily, selectively, and at times in sensationalist terms in the expert reports submitted by the counsel for the plaintiffs.
107. A close, careful analysis of the 1994-95 Bojinka Plot, moreover, raises further questions with regard to the supposedly self-evident and seamless linkages between Ramzi Yousef, Khalid Sheikh Mohamed, and Mohamed Jamal Khalifa and the IIRO on the one hand, and Osama bin Laden, *Al Qa'ida*, and the 11 September 2001 terrorist attacks on the other. Here the retrospective identification and conflation of individuals, organizations, aims and objectives in a single sustained coherent conspiracy is highly anachronistic in descriptive terms and ambiguous in terms of causation. In fact, the identities and activities of the individuals and organizations in question in 1994-1995 do not correspond to Mohamed Jamal Khalifa's period of employment by the IIRO

⁴⁷ For the most detailed published account of the Bojinka Plot, see: Maria R. Ressa, *Seeds of Terror: An Eyewitness Account of Al-Qaeda's Newest Center of Operations in Southeast Asia* (New York: Free Press, 2003), pp. 18-44.

office in the Philippines, which ended in late 1993, and they do not fit within a unified, linear plot line leading to 2001 and the terrorist attacks in September of that year.⁴⁸

108. If, after all, the 1994-95 Bojinka Plot was a ‘direct precursor’ of the 9/11 attacks, the passing of more than six years between the two terrorist operations remains to be explained, as does the absence of any similar plots in the Philippines or elsewhere in Southeast Asia during the intervening period. Thus overall, a close, careful, and properly contextualized analysis of the Bojinka Plot is suggestive of a failed experiment with anti-Western and anti-American terrorism by adventurous independent operators who exploited lax security conditions in Manila and who provided ideas which helped to inspire the 9/11 attacks six years later.

C. Southeast Asia As A “Center For Operations For *Al Qa’ida*”

109. In a similar vein, the expert report authored by Matthew Levitt cites the ‘terrorism expert’ Zachary Abuza’s description of Southeast Asia as a “major center for operations” for *Al Qa’ida* (page 11), a claim which is neither elaborated upon in terms of definitional criteria or substantiated in terms of empirical evidence. This claim fits well within the aforementioned tendency on the part of the expert reports submitted by the plaintiffs’ counsel to engage in extrapolation and exaggeration without sufficient evidence or proper contextualization.
110. Viewed from a comparative regional and historical perspective, it is difficult to see how Southeast Asia could be plausibly described as a “major center for operations” for *Al Qa’ida*. After all, if we stitch together the Southeast Asian bits and pieces of the narrative constructed in these expert reports, there is little in the way of coherent or compelling evidence of sustained activity or interest on the part of individuals identified, however loosely, with *Al Qa’ida*, or of sustained alliances or alignments of interest with local organizations in the region. There is the failed ‘Bojinka Plot’ of 1994-95; there are reports of funding to the small, shadowy *Abu Sayyaf* group during its early years on the island of Basilan, initially as a religious group and then as a criminal racket. There are reports of some flows of funding to the MILF during a period in which it was embattled in a small pocket of central Mindanao, and there are claims with regard to linkages with the shadowy *Jemaah Islamiyah* network, whose only contributions to ‘global *jihād*’ during the peak period of *Al Qa’ida* strength were the single annual terrorist attacks of 2002, 2003, 2004, and 2005 in Indonesia.
111. Overall, looking back over the decade preceding the 11 September 2001 terrorist attacks, it is difficult to discern any evidence for the supposed centrality of Southeast Asia for the operations of *Al Qa’ida*. For most of this decade, the various groups caricatured in the expert reports submitted by the plaintiff’s counsel as somehow allied or affiliated with *Al Qa’ida* remained very restricted in their activities and focused on local struggles rather than anything resembling a global *jihād*. The only evidence or examples of active involvement of Islamist groups in Southeast Asia in a seemingly more grandiose and global struggle in the name of Islam came in the aftermath of 9/11 in the context of the ‘Global War On Terror’, namely the series of bombings of Western targets in Indonesia over 2002-2005 and the much later attraction and affiliation of

⁴⁸ IIRO 287370.

small numbers to the so-called Islamic State in Iraq and Syria (ISIS) in the mid-late 2010s. In terms of the period preceding 9/11, the reported numbers of identified *Al Qa'ida* operatives and the estimated quantities of *Al Qa'ida* funding in Southeast Asia appear to have remained very small, and the overall influence and impact of *Al Qa'ida* with regard to so-called *jihad* in the region is very difficult to discern.

D. Evidence Of Alliances Between *Al Qa'ida*, *Abu Sayyaf*, The MILF, And *Jemaah Islamiyah*

112. Moreover, in the expert reports' claims with regard to alleged alliances between *Al Qa'ida* and the *Abu Sayyaf* group, the Moro Islamic Liberation Front (MILF), and the *Jemaah Islamiyah* (JI) network, there is likewise a pronounced tendency to extrapolate from available evidence to exaggerate the nature and extent of continuities, connections, communications, and confluences of interests among these different groups. As noted in the affirmative report, there does appear to be evidence that small numbers of *Jemaah Islamiyah* activists enjoyed a safe haven in the southern Philippines thanks to the hospitality of elements of the *Abu Sayyaf* group and the MILF and that there were forms of training and sharing of expertise in explosives across these groups in this context. As further noted in the affirmative report, there also appears to be evidence of some communications between *Al Qa'ida* and these groups as well, albeit only at specific junctures in each case rather than in a more sustained and systematic fashion. The coincidence of interests – and the alignment of a 'global *jihad*' with longstanding local struggles – was only ever partial, provisional, and short-lived.
113. Indeed, as suggested in the pages above, the determinants and drivers of various struggles in the name of Islam in the Philippines and Indonesia were local rather than global, as seen in the timing, targets, and forms of violent mobilization observed. In the case of the *Abu Sayyaf* group, for example, its essentially criminal and predatory nature prefigured a focus on kidnapping for ransom – rather than, say, terrorist bombings – over the years following its emergence in the early 1990s in areas of the Sulu Archipelago and the Zamboanga *Peninsula*. In the case of the MILF, moreover, competition with the MNLF for external recognition and resources – from the Philippine government as well as external actors like the OIC – led it to concentrate on the strengthening of its local base in central Mindanao for much of the 1990s. Peaceful accommodation rather than armed insurgency prevailed until the Philippine government launched a military campaign in the southern Philippines towards the end of the decade. Finally, the shadowy *Jemaah Islamiyah* group emerged and evolved in exile over the 1990s, only moving back to Indonesia and mobilizing its very limited network of cadres in 1999 to focus on the inter-religious violence between Christians and Muslims in Maluku, North Maluku, and Central Sulawesi alongside its broader non-violent agitation for an Islamic state in the country as a whole. It was only in the aftermath of 11 September 2001 and amidst a dramatic downturn in Islamist fortunes in Indonesia and a US-inspired government crackdown on Islamist groups in the country that *Jemaah Islamiyah* turned to terrorist attacks focused on Western targets.
114. Thus overall it is difficult to identify any evidence that the episodic interactions, communications, and/or transactions with individuals affiliated with *Al Qa'ida* evidenced, alleged, or insinuated in the expert reports had a significant impact on the activities of the *Abu Sayyaf* group, the MILF, or *Jemaah Islamiyah*. These groups remained focused on local – in some cases, subnational – aims, objectives, and

antagonists, rather than on the ambitiously ‘global’ *jihad* focused on the United States launched by *Al Qa’ida* in the late 1990s leading up to and beyond 9/11.

E. The Activities And Impact Of Mohamed Jamal Khalifa

115. Meanwhile, the expert reports exaggerate the significance of the seemingly multifarious affiliations, reported activities, and alleged impact of Mohamed Jamal Khalifa in the context of the southern Philippines. Here the analysis focuses on the ‘Bojinka Plot’, on the *one* hand, and alleged funding of the *Abu Sayyaf* group, on the other. While the broad outlines and importance of the ‘Bojinka Plot’ seem to be pretty clear in terms of early interest in a ‘global *jihad*’ focused on U.S. targets, the implications for the Philippines remain entirely ambiguous given the lack of evidence of any linkage between events in Manila in 1994-95 and various organizations and struggles in the southern majority-Muslim areas of the archipelago during this period.
116. As for Khalifa’s reported funnelling of funds to the *Abu Sayyaf* group, neither the causes nor the consequences are readily apparent. If the reports are to be believed, it might be surmised that Khalifa was impressed by the religious orientation and activism of the original *Harakat Al-Islamiyya* and that he endorsed its attacks on Christian missionaries in the early 1990s. But the years that followed Khalifa’s departure from the Philippines saw the *Abu Sayyaf* group focusing on localized criminal activities, rather than anything more recognizably ‘global’ or ‘*jihadi*’ in orientation or impact.
117. Mohamed Jamal Khalifa’s period of work for the IIRO in the Philippines came to an end in late 1993 without any discernible achievements in terms of his presumed goals of advancing some kind of global *jihad* focused on the United States. By this time, the *Abu Sayyaf* group was engaged in bank robberies, kidnapping for ransom, and protection racketeering in areas in and around the Sulu Archipelago and the Zamboanga Peninsula, while the Moro Islamic Liberation Front (MILF) was maintaining an accommodating posture vis-à-vis the Philippine government, engaging in local electoral politics rather than armed insurgency. There is thus no evidence that any of Khalifa’s alleged activities to promote *jihad* in the early 1990s in the southern Philippines had any significant impact. As for Khalifa’s alleged involvement in the Bojinka Plot of 1994-95, he was no longer employed by the IIRO by this time.

F. Determinations Of The Office Of Foreign Assets Control With Regard To The MILF

118. In addition, the extensive discussion of the operations of the United States Treasury Department’s Office of Foreign Assets Control (OFAC) in the expert report authored by Jonathan Winer suggests a set of tendentious conclusions with regard to the Moro Islamic Liberation Front (MILF). While OFAC initiated an exploratory investigation of the MILF alongside the *Jemaah Islamiyah* network over the course of 2002, it did not include the MILF or any individuals associated with the MILF on its sanctions list, as it did in the case of *Jemaah Islamiyah*. But Winer’s expert report suggests that the absence of an individual or organization from the OFAC sanctions list should not be taken as evidence of innocence with regard to involvement in terrorist activities, given the role of diverse political considerations related to U.S national interests in the final determination of the inclusion or exclusion of individuals and organizations on the sanctions list.

119. The implication of Winer's report is thus that the exclusion of the MILF from the OFAC sanctions list does not provide any evidentiary basis for a claim of its innocence with regard to involvement in terrorism. Indeed, there appears to be evidence that individuals affiliated with the MILF were involved in the terrorist bombings of 2000 in Manila. But here it is important to examine the rationale for keeping the MILF off the OFAC sanctions, namely the active interest of the Philippine and U.S. governments in establishing contacts, communications, and cooperation with the MILF over the course of the 2000s. This policy did bear fruit in due course, in terms of intelligence-gathering, counter-terrorism operations, as well as successful negotiations of an agreement for the cessation of armed hostilities in the southern Philippines.
120. Thus the decision by the U.S. government to exclude the MILF from the OFAC sanctions list reflects an implicit acknowledgement and accurate understanding of the MILF as an organization whose established history, identity, and orientation gave reason for optimism as to the likelihood of peaceful collaboration rather than pessimism with regard to any enduring commitment to terrorism. As the Philippine government understood very well, and as the US government implicitly acknowledged, the MILF was an organization devoted to the establishment of an independent – or at least meaningfully autonomous – Moro (i.e. Muslim) homeland in the southern Philippines, a secessionist (or nationalist) movement rather than a 'terrorist group.'

G. The Activities, Orientation, And Impact Of KOMPAK In Indonesia In 1999-2001

121. Finally, the expert report authored by Matthew Levitt briefly discusses an organization known as KOMPAK – *Komite Aksi Penanggulangan Akibat Krisis* (Action Committee for Countermeasures Against the Consequences of Crisis) – in the context of its discussion of Indonesia (pages 36-37), but without proper contextualization, periodization, or description of its emergence, activities, and affiliations. The report inserts KOMPAK into its allegations of IIRO funding for *Jemaah Islamiyah* and the broader narrative that implicates all of these organizations within a single unified and sustained *Al Qaeda*-led conspiracy.
122. Once again, this kind of extrapolation and oversimplification obscures the essentially local focus of KOMPAK's activities, aims, and objectives in the context of Indonesia in 1999-2001. KOMPAK, after all, emerged as a charitable relief group amidst the tumultuous economic crisis and political transition unfolding in 1998 in Indonesia.⁴⁹ It was under the umbrella of the *Dewan Dakwah Islamiyah Indonesia* (DDII or Indonesian Islamic Propagation Council), which, as noted above, has a long history of affiliation with and support from the Muslim World League and of legal, non-violent activity to promote its views on the role of Islam in Indonesian society.
123. The local affiliations and orientations of KOMPAK members appear to have been diverse. On the one hand, there is evidence that some local branch leaders and other

⁴⁹ For early snapshots of KOMPAK's activities, see the four-page supplement titled "Kompak: Komite Penanggulangan Krisis" in the September 1998 issue of the DDII journal *Media Dakwah*.

members of KOMPAK were also affiliated with the network of *salafi*-oriented schools centered around the *pesantren* established by Abdullah Sungkar and Abu Bakar Ba'asyir and with the shadowy *Jemaah Islamiyah* network. On the other hand, the national chairman of KOMPAK, Tamsil Linrung, was a prominent businessman from the South Sulawesi city of Makassar, the former head of the prominent Islamic student association HMI, and the national treasurer of the *Partai Amanat Nasional* (National Mandate Party or PAN), the political vehicle of the mainstream modernist Islamic educational association *Muhammadiyah*, which (like HMI) was well known for its 'establishment' orientation and aversion to militancy, mass mobilization, and violence. Tamsil Linrung was later elected to the national parliament and held a seat from 2004 through 2019. In other words, KOMPAK straddled the divide between mainstream modernist and *salafi* Islamic organizations in Indonesia during this period of economic crisis, social change, and political upheaval.

124. Over the course of 1999, however, the onset of inter-religious violence in certain localities in the Indonesian archipelago drew KOMPAK into new forms of activism. In particular, Agus Dwikarna, the head of the South Sulawesi branch of KOMPAK, helped to organize an armed contingent of Islamist activists to participate in the defense of Muslim communities – and attacks on Christian communities – in the nearby Central Sulawesi regency of Poso. This armed contingent was known as *Laskar Jundullah* and was allegedly affiliated with the *Majelis Mujahidin Indonesia*, the above-ground group headed by Abu Bakar Ba'asyir. A broader organization known as *Mujahidin KOMPAK* was also reportedly formed, allegedly in coordination with elements of the *Jemaah Islamiyah* network, both in Poso and also on the island of Ambon in the Province of Maluku, where Christian-Muslim violence was also underway at this time.⁵⁰
125. Agus Dwikarna was not only the head of the South Sulawesi branch of KOMPAK during this period but also one of the leaders of the Committee for the Preparation of Islamic Law (Komite Persiapan *Penegakan Syariat Islam* or KPPSI), a local organization formed in the South Sulawesi capital of Makassar in 2000 with prominent Islamist activists and politicians from around Indonesia in attendance. By some accounts – including those of Dwikarna himself – *Laskar Jundullah* – emerged out of the Makassar-based KPPSI rather than the *Majelis Mujahidin Indonesia* (MMI). In other words, Dwikarna was a prominent local Islamist militant, whose diverse legal and extra-legal activities – and organizational affiliations – were focused on inter-religious violence between Christians and Muslims on the one hand, and the promotion of Islamic law in Indonesian society on the other, rather than 'global jihad' against the United States.⁵¹
126. Dwikarna was subsequently arrested and imprisoned in Manila in 2002 amidst the Southeast Asia-wide crackdown on Islamist militants in the wake of 9/11 and charged with possession of bomb-making materials, leading to his conviction and incarceration

⁵⁰ For an early analysis of the linkages between these groups, see: *Indonesia Background: How the Jemaah Islamiyah Terrorist Network Operates* (Jakarta/Brussels: International Crisis Group, 11 December 2002), pp. 19-22.

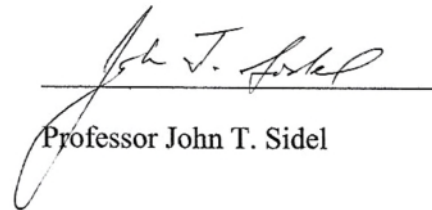
⁵¹ For an in-depth study of the KPPSI, see: Hamdan Juhannis, "The Struggle for Formalist Islam in South Sulawesi: From Darul Islam (DI) to Komite Persiapan Penegakan Syariat Islam (KPPSI)" (PhD dissertation, Australian National University, 2006).

until his release from prison and deportation to Indonesia in 2014.⁵² Dwikarna also stood accused of affiliation with *Jemaah Islamiyah* and of serving as a ‘facilitator’ for *Al Qa’ida* in Indonesia, as seen in his inclusion on the *Al Qa’ida* Sanctions List of the United Nations Security Council.⁵³ But there is ample reason to doubt the evidence cited in the sanctions notice for Dwikarna, namely that he allegedly escorted *Al Qa’ida* deputy Ayman Al-Zawahiri and *Al Qa’ida* military chief Mohammed Atef during their visit to the Indonesian province of Aceh in June 2002. Given that Dwikarna was in prison in Manila as of March 2002, Al-Zawahiri was in hiding in the Federally Administered Tribal Areas (FATA) in Pakistan, and Atef had been killed in a US airstrike in November 2001, these claims can be safely dismissed as entirely spurious.

127. As for Dwikarna’s other reported affiliations, multiple sources identify him as the local representative of the Al Haramayn Foundation in South Sulawesi, if not in 2002 then at least in 2000. But Matthew Levitt’s report claims that Dwikarna “was also the regional branch officer for the IIRO,” an assertion lifted verbatim from an article by the ‘terrorism expert’ Zachary Abuza.⁵⁴ The article in question evidences this claim only by footnoting a lengthier report by the same author, which treats Dwikarna, KOMPAC, *Jemaah Islamiyah*, *Al Qa’ida*, and the Al Haramayn Foundation in greater depth over several pages, but without a single reference to the IIRO.⁵⁵ Thus there does not appear to be any solid evidence for the claim of an IIRO link to KOMPAC, Dwikarna, *Jemaah Islamiyah*, and *Al Qa’ida*, either in Matthew Levitt’s expert report or in the sources cited.
128. Overall, the case of Agus Dwikarna is suggestive of at least two fundamental methodological problems with the expert reports submitted by the counsel for the plaintiffs. First of all, these reports integrate a diverse set of actors and organizations in the Philippines and Indonesia into a unified and oversimplified narrative without acknowledging the diversity and specificity of their activities, affiliations, aims, and objectives as well as the absence of evidence of their actual involvement or interest in terrorist operations focused on the United States. Secondly, these reports are based on a highly selective and uncritical use of empirical sources whose veracity remains open to question.

29 July 2020

Date


Professor John T. Sidel

⁵² For Indonesian-language media coverage and analysis of this controversial episode, see: *ManilaGate: Kontroversi Penangkapan Tamsil Linrung* (Jakarta: Merah Putih, 2003).

⁵³ https://www.un.org/securitycouncil/sanctions/1267/aq_sanctions_list/summaries/individual/agus-dwikarna.

⁵⁴ Zachary Abuza, “Jemaah Islamiyah Adopts the Hezbollah Model,” *Middle East Quarterly*, Volume 16, Number 1 (Winter 2009), pp. 15-26.

⁵⁵ Zachary Abuza, *Funding Terrorism in Southeast Asia: The Financial Network of Al Qaeda and Jemaah Islamiyah* (Seattle, WA: National Bureau of Asian Research, December 2003), pp. 29-33.

EXHIBIT A

CV

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- Born June 4, 1966 in New York City
- United States citizen, permanent UK resident
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- Languages: Cebuano, French, Indonesian, Russian, Swedish, Tagalog

Education

- Ph.D. in Government, Cornell University, January 1995
- M.A. in Government, Cornell University, August 1990
- M.A. in Political Science, Yale University, May 1988
- B.A. Summa Cum Laude, Phi Beta Kappa, Distinction
in the Major, Yale University, May 1988

Honours and Awards

- Harry J. Benda Prize Committee, Association for Asian Studies, 2010-2012
- Southeast Asia Studies Council, Association for Asian Studies, 2002-2005
- British Academy Research Readership, 2003-2005
- British Academy South East Asia Committee Research Grants, 1998, 2003
- Lauriston Sharp Prize, Cornell University Southeast Asia Program, 1996
- Olin Foundation Graduate Fellowship, Cornell University, 1989
- Andrew Dixon White Fellowship, Cornell University, 1988
- National Science Foundation Graduate Fellowship, 1988
- Arthur Twining Hadley Prize for Highest Scholarship in the Social Sciences,
Yale University, 1988
- Charles W. Clark Prize in Comparative Government, Yale University, 1988

Employment

- Sir Patrick Gillam Professor of International and Comparative Politics, Departments of Government and International Relations, London School of Economics and Political Science, September 2004 to the present
- Reader in South East Asian Politics, School of Oriental and African Studies, University of London, September 2001 through August 2004
- Lecturer in South East Asian Politics, School of Oriental and African Studies, University of London, September 1994 through August 2001

Other Professional Responsibilities and Activities

- Book Series Editor: *Contemporary Issues in the Asia-Pacific* book series, Stanford University Press.
- Editorial boards: *Asian Politics and Policy*, *Critical Asian Studies*, *Indonesia and the Malay World*, *Pacific Affairs*, *South East Asia Research*.
- Advisor: Coalitions for Change in the Philippines Program, Asia Foundation/Australian Department of Foreign Affairs and Trade; Senior Research Advisor, Program on Provincial Brokers in Asia, Centre for Asian Studies, University of Amsterdam; Advisor, Democratic Cultures Research Project, University College London.
- Media commentator: BBC, CNBC, CNN, Monocle 24, *Far Eastern Economic Review*, *Foreign Policy*, *Global Asia*, *Guardian*, *New York Times*, *Time*.

Expert Witness, Briefings, and Consultancy Projects:

- Author/editor of reports for Oxford Analytica, Transparency International, Developmental Leadership Program, Democratic Progress Institute.
- Briefings for the Foreign and Commonwealth Office (UK), the Office of National Assessments (Australia), and the foreign ministries of Australia, Ireland, the Netherlands, New Zealand, and Sweden.
- Author of a series of reports on Indonesia for the United Nations High Commissioner for Refugees (UNHCR), 1998-2007.
- Author of extensive reports on the Ford Foundation's Local Governance and Civil Society programmes in Indonesia, 2003-2006, the Asia Foundation/Australian Embassy's Coalitions for Change Program in the Philippine since, and DFID/Oxfam's Coalitions Support Programme in Vietnam, 2015

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EXHIBIT B

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